

THE HONOURABLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.282 of 2016

ORDER

This application is filed to transfer divorce O.P.No.346 of 2015 from the file of Principal District Judge, Chittoor to the file of Principal District Judge, Kadapa.

2. Wife filed this application. According to her affidavit, her marriage with the respondent was performed on 31.07.2008 at C.S.I. Church, Nandyal, as per Christian customs and traditions and their marriage was consummated and after 6 months of marriage, respondent and her in-laws started harassing her both mentally and physically and as she was unable to bear their torture, she went to her parents house. She stated that she lodged a complaint at Rayachoti Police Station on 11.12.2012, which was registered as Cr.No.417 of 2012 and charge sheet was filed before Rayachoti Court. She further stated that she filed M.C.No.8 of 2013 before Additional Judicial Magistrate of First Class, Rayachoti, for maintenance and thereafter, respondent filed O.P., before Principal District Judge, Chittoor. She stated that there is threat to her life as she is all alone and has no male support to go to Chittoor from Rayachoti. She stated that her father died in the year 2003 and she is the only daughter to her parents and her mother is aged about 70 years, who is suffering with diabetes, B.P., kidney problems besides knee joint pains, therefore, she cannot move to Chittoor for defend the case filed by the respondent. For these reasons, she prayed for transfer of O.P., from Principal District Judge, Chittoor to Principal District Judge,

Kadapa.

3. Respondent did not file any counter.

4. Heard both sides.

5. Advocate for the petitioner submitted that the respondent is working as Professor in S.V.University, Tirupati and the O.P. is filed at Chittoor only to harass the petitioner. He submitted that the petitioner has life threat at Chittoor and she has to attend the Court from Rayachoti, which is nearly 70 Kms. He submitted that Kadapa is also at the same distance, but the petitioner has got relatives there and by taking her conveyance into consideration, her request for transfer of O.P., from Chittoor to Kadapa may be considered.

6. Advocate for the respondent submitted that the respondent is an employee and it will be difficult for him to travel from Tirupati to Kadapa and as the wife is residing at Rayachoti and the distance between Rayachoti and Kadapa and Chittoor and Rayachoti are one and the same, there cannot be any difficulty for the wife in attending Chittoor Court.

7. I have perused the material papers filed along with the transfer petition. Considering the submissions of both sides and considering the convenience of both parties, I deem it appropriate to consider the request of the wife to transfer O.P., from Chittoor to Kadapa by dispensing with the presence of the respondent/husband for each and every adjournment.

8. For these reasons, O.P.No.346 of 2015 is withdrawn from Principal District Judge, Chittoor and transferred to Principal District Judge, Kadapa, for disposal in accordance with law. The Principal District Judge, Kadapa, shall dispense with the presence of the respondent herein i.e., husband, for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

9. The Transfer C.M.P. is ordered accordingly. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

S. RAVI KUMAR, J

12th July, 2016

sj