

HONOURABLE SRI JUSTICE S. RAVI KUMAR

TR. CIVIL MISCELLANEOUS PETITION No.227 OF 2016

DATED 23RD AUGUST, 2016

BETWEEN

Smt. Esarla Suneetha

....Petitioner

And

Esarla Shivanjaneyulu @ Siva

..Respondent.

HONOURABLE SRI JUSTICE S. RAVI KUMAR

TR. CIVIL MISCELLANEOUS PETITION No.227 OF 2016

ORDER:

This Transfer Civil Miscellaneous Petition is filed seeking withdrawal of FCOP.No.1733 of 2015 from the file of Additional Family Judge, at Visakhapatnam and transfer the same to the Court of Senior Civil Judge, at Rajam, Srikakulam District.

The petitioner/wife filed this application contending that she married the respondent herein ; that she filed C.C.No.327 of 2013 before the Court of Judicial Magistrate of First Class, Rajam, Srikakulam under Sections 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act; that she also filed M.C.No.9 of 2015 before the Court of Judicial First Class Magistrate, at Rajam under Section 125 Cr.P.C. and that both cases are

pending adjudication. It is further stated that as a counter blast, the respondent/husband filed FCOP.No.1733 of 2015 before the Additional Family Court, Visakhapatnam seeking divorce and the same is pending consideration, she therefore prayed for transfer of FCOP.No.1733 of 2015 from Additional Family Court, Visakhapatnam to Senior Civil Judge, at Rajam, Srikakulam District.

The respondent/husband filed a counter affidavit disputing the averments and contending that C.C. No. 327 of 2013 was disposed of and an appeal was preferred against the order passed in C.C.No. 327 of 2013 and the same is pending before the Court of Principal District & Sessions Judge, Srikakulam. He contends that there are no grounds for transfer and prayed for dismissal of Transfer Petition.

Heard both sides.

Both the learned Counsel appearing for the petitioner/wife as well as learned Counsel appearing for the respondent/husband submit that FCOP.No.1733 of 2015 can be transferred to the Family Court, Srikakulam as the Criminal Appeal preferred by the respondent/husband is pending in the Court of Principal District & Sessions Judge, Srikakulam. Considering the submissions advanced by the learned Counsel on either side, the Transfer Civil Miscellaneous Petition is allowed. Consequently FCOP. No. 1733 of 2015 is withdrawn from the Additional Family Court, Visakhapatnam and transferred to Family Court, Srikakulam, Srikakulam District for disposal in accordance with law.

Miscellaneous petitions pending consideration if any in
the Tr. Civil Misc. Petition shall stand closed in consequence.
No order as to costs.

JUSTICE S. RAVI KUMAR

DATED 23RD AUGUST, 2016.
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