

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer C.M.P.No.372 of 2016

ORDER:

This Transfer CMP, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/ wife requesting to withdraw DOP.No.59 of 2016 on the file of the Court of the learned VI Additional District Judge, Kakinada, and transfer the same to the file of the Court of the learned III Additional District Judge, Bhimavaram, for trial and disposal in accordance with the procedure established by law.

2. I have heard the submissions of *Sri K.V.L. Narasimha Rao*, learned counsel appearing for the petitioner-wife. Though the respondent-husband entered appearance he has not filed a counter and is not resisting the application. I have perused the material record.

3. Shorn of un-necessary details, the case of the petitioner-wife, which is relevant for consideration, and the submissions made on her behalf, in brief, are as follows: - 'After disputes and estrangement between the spouses, she is living at her parents' house at Gunipudi of Bhimavaram of West Godavari District. She lodged a complaint against the respondent-husband and his family members for the offences punishable under Sections 498-A of IPC and Sections 3 & 4 of the Dowry Prohibition Act. After investigation into the said case, a charge sheet was filed and C.C.No.250 of 2012 is taken on file by the learned XII Additional Metropolitan Magistrate, Hyderabad. The petitioner also filed a Tr.Crl.P. No. 187 of 2017 for transfer of the said Calendar Case from the said Court to a competent Court having jurisdiction at Bhimavaram. She already filed M.C.No.36 of 2014 and it is pending on the file of the Court of the II Additional Judicial Magistrate of First Class, Bhimavaram. She also lodged a report against the respondent and his family members for the offences

punishable under Sections 494, 506(ii) read with 34 of IPC before the I Town Police Station, Bhimavaram, and a case in Crime No.104 of 2015 was registered. After filing of the charge sheet, C.C.No.933 of 2016 is taken on file by the Court of the learned II Additional Judicial Magistrate of First Class, Bhimavaram. Knowing that the above two cases are pending in the Courts at Bhimavaram and that the petitioner is residing with her parents at Bhimavaram, the respondent-husband filed the afore-stated DOP on the file of the VI Additional District Court, Kakinada, East Godavari, only to harass this petitioner. The petitioner being a housewife is not in a position to undertake travel from Bhimavaram to Kakinada, which is at a distance of 135 Kms via NH 16/ SH 40 and as one way Journey time is more than three hours. She has no means to meet the traveling, lodging and incidental expenses. She cannot undertake travel to such a long distance place all alone without the assistance of another person. On the date of every adjournment she has to look for assistance of one person to accompany her from Bhimavaram to Kakinada, to attend the Court case at Kakinada of East Godavari District. In these circumstances, she is constrained to file the present petition requesting to withdraw the above said DOP on the file of the Court of the learned VI Additional District Judge, Kakinada, and transfer the same to the file of the Court of the learned III Additional District Judge, Bhimavaram. Further, if the DOP case filed by the respondent/husband is also brought to a Court at Bhimavaram, all the Court Cases would be in the Courts at one place, that is, Bhimavaram, and the said course would not only be convenient to both the parties but also would be helpful to the parties in saving their valuable time and money.

4. As already noted, the respondent is not resisting the application and is not coming forward to offer to pay the traveling, lodging and incidental expenses to the petitioner-wife and another person, who may accompany her

during her travel from Bhimavaram to Kakinada for attending the Court case at Kakinada. Though there is video conference facility in the Court Complex, Kakinada, there is no such facility at Senior Civil Court, Bhimavaram. Further, though there is video conference facility in the Court Complex, Eluru, the District Head Quarters, the distance between Bhimavaram and Eluru is about 50 Kms according to the submissions.

5. Having regard to the reasons supra and the facts peculiar to the case including the specific facts that the respondent is not offering to pay the necessary travelling, lodging and incidental expenses to the petitioner/ wife and is not resisting the application, this Court is of the considered view that the relief sought for, if granted, would meet the ends of justice.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed and the DOP No.59 of 2016 is withdrawn from the file of the Court of the learned VI Additional District Judge, Kakinada, East Godavari District, and is transferred to the file of the Court of the learned III Additional District Judge, Bhimavaram, for trial and disposal in accordance with procedure established by law. The transferor Court is accordingly directed to forthwith transmit the duly indexed record to the Transferee Court expeditiously.

Miscellaneous petitions, if any, pending shall stand closed.

11.09.2017
Vjl

M. SEETHARAMA MURTI, J