

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 4372 of 2017

ORDER:

Heard.

The present revision came to be filed questioning the order dated 17.07.2017, passed in Transfer O.P.No.143 of 2017, wherein the request of the petitioner therein seeking transfer of the case from Peddapuram to Rajamahendravaram @Rajahmundry was allowed.

Learned counsel for the petitioner mainly submits that there is no material to show that the respondent herein is resident of Rajamahendravaram and only with a view to harass the petitioner, the impugned application came to be filed.

It is the case of the petitioner that the respondent is a permanent resident of Gudiwada and she is residing at her parents' house. Further, the request of the respondent herein for transfer of the case to Rajamahendravaram was only with a view to harass him.

The same is opposed by learned counsel for the respondent.

It is to be noted that the notice sent to the respondent was returned with endorsement "no such address in the village. Door number incorrect. 7 days continuously enquired. Hence, returned to sender."

As seen from the record the marriage of the petitioner and respondent was performed on 08.02.2014 at Gudiwada, Peddapuram Mandal and subsequently disputes arose between them. Thereafter, the wife filed M.C.No.12 of 2017 on the file of IV Additional Junior Civil Judge,

Rajahmundry, which is pending. The respondent therein/ husband filed petition seeking divorce vide O.P.No.72 of 2016 on the file of Senior Civil Judge, Peddapuram on the ground of cruelty and it is pending.

The affidavit filed in support of the O.P. would show that the respondent herein seeks transfer of the case to Rajahmundry as it would be convenient to her to contest the matter. In view of the fact that M.C. is also pending in Rajahmundry and as it would be difficult for her to go over to Peddapuram, where husband is residing, and in view of judgments in *V. Sailaja Vs. Koteswara Rao*<sup>1</sup> and *Sumita Singh Vs. Kumar Sanjay and Another*<sup>2</sup>, the case was transferred to Rajamahendravaram.

Taking into consideration the over all circumstances of the case and in view of the pendency of maintenance case at Rajahmundry, it would be just and proper to try both the cases at Rajahmundry. Hence, no interference is warranted with the order passed by the Court below.

Accordingly, the CRP is dismissed. However, the presence of the petitioner/ husband before the trial Court is dispensed with, except on the dates when his presence is required by the trial Court. No costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

22.12.2017  
vnb

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<sup>1</sup> AIR 2003 (AP) 173

<sup>2</sup> AIR 2002 (SC) 396