

**THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

TRANSFER C.M.P. No.477 of 2016

**ORDER:**

This transfer civil miscellaneous petition is filed under Section 24 of CPC seeking to withdraw O.P.No.487 of 2014 from the file of the Family Court, Vijayawada and transfer the same to the Court of XIII Additional District Judge, Gurazala.

2. Heard the learned counsel for the petitioner and learned counsel for the respondent.

3. A perusal of the record reveals that the marriage of the petitioner was solemnized with the respondent on 05.2.2013 at Marnatha Church, Vijayawada as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent at Vijayawada to lead marital life. For one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner left the matrimonial home and has been residing at her parents' house in Gurazala. While things stood thus, the respondent filed O.P. No.487 of 2014 on the file of the Family Court, Vijayawada under Section 10(1)(iii) of the Indian Divorce Act, 2001, for dissolution of the marriage between the petitioner and respondent. It is the case of the petitioner that she is unable to attend the Court at Vijayawada; therefore, the O.P. may be transferred to the Court of XIII Additional District Judge, Gurazala.

4. At the time of arguments, learned counsel for the respondent submitted that the trial in O.P. No.487 of 2014 was commenced, the petitioner's (respondent herein) evidence was closed and the matter is coming up for the evidence on behalf of

the respondent (petitioner herein). The O.P. was filed in the year 2014. For one reason or the other, the petitioner did not choose to file transfer petition for a period of three years. When the matter is coming up for respondent's (petitioner herein) side evidence, the present petition is filed to transfer the O.P. The petitioner failed to assign reasons much less cogent and valid reasons for transfer of the O.P. There are laches on the part of the petitioner in filing the transfer petition. Moreover, the petitioner suppressed the factum of closing of the evidence on respondent's side long back. In such circumstances, the petitioner is not entitled for the relief sought for.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that it is not a fit case to grant the relief sought by the petitioner.

6. Accordingly, the Transfer CMP is dismissed. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

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**T. SUNIL CHOWDARY, J**

Date: 14.3.2017  
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