

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.747 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.918 of 2015 from the file of the Family Court-cum-V Additional District Judge, Visakhapatnam, and transfer the same to the file of the Family Court, Srikakulam.

2. In spite of service of notice, the respondent did not choose to appear and contest the petition. Hence, this Court is inclined to pass orders on merits.

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the marriage of the respondent was performed with the petitioner on 23.06.2011 at Tholapi Village, Pondur Mandal, Srikakulam District, as per Hindu Rites and Caste Custom. Immediately after the marriage, the respondent joined the petitioner to lead marital life. Out of lawful wedlock, the respondent and petitioner were blessed with one child. While things stood thus, the petitioner herein filed O.P.No.31 of 2014 on the file of the Court of the Senior Civil Judge, Medak against the respondent for dissolution of marriage between them. The respondent herein filed Tr.C.M.P.No.453 of 2014 seeking to withdraw O.P.No.31 of 2014 from the file of the Court of the Senior Civil Judge, Medak, and transfer the same to the file of the Family Court, Srikakulam. After hearing both parties, this Court allowed the said petition withdrawing O.P.No.31 of 2014 from the file of the Court of the Senior Civil Judge, Medak and

transferred to Family Court, Visakhapatnam. The respondent herein filed M.C.No.23 of 2014 on the file of the Family Court, Srikakulam, against the petitioner seeking maintenance. The petitioner filed Transfer Criminal Petition No.345 of 2014 seeking to withdraw M.C.No.23 of 2014 from the file of the Family Court, Srikakulam and transfer the same to the file of the Court of the Judicial Magistrate of First Class, Medak. The petitioner filed the present petition, during pendency of Transfer Criminal Petition No.345 of 2014.

5. A perusal of the record reveals that M.C.No.23 of 2014 is pending on the file of the Family Court, Srikakulam. D.V.C.No.23 of 2014 is also pending on the file of the Judicial Magistrate of First Class, Srikakulam. It further reveals that a criminal case is also pending against the petitioner herein. Invariably, the petitioner has to attend the Courts at Srikakulam in order to prosecute M.C.No.23 of 2014 and D.V.C.No.23 of 2014 and also the criminal case. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings, more particularly, to the wife and children. Admittedly, the respondent is staying in Srikakulam. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

6. Having regard to the facts and circumstances of the case, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.918 of 2015 is withdrawn from the file of the Family Court-cum-V Additional District Judge, Visakhapatnam, and transferred to the

file of the Family Court, Srikakulam, for disposal in accordance with law. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 21.03.2017

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