

HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer C.M.P No.484 of 2016

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/ wife requesting to withdraw HMOP no.6 of 2015 pending on the file of the Court of the learned Senior Civil Judge, Parchur, and transfer the same to the VIII Additional District Court-cum-Family Court, Ongole, Prakasam District.

2. I have heard the submissions of *Sri N.A.Ramachandra Murthy*, learned counsel appearing for the petitioner/ wife, ('the petitioner', for short), and of *Sri K.Subba Rao*, learned counsel appearing for the respondent/ husband ('the respondent', for short). 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: 'The marriage of the petitioner and the respondent was performed, on 17.11.1996 at Tirumala, as per Hindu Dharmasastras, caste custom and usage, in the presence of their parents, relatives and well wishers. Immediately after the marriage, the petitioner joined the respondent and they lead happy marital life for some time. They were blessed with two children, viz., Venkata Vamsi Krishna and Hiranmayi, now aged 17 years and 15 years respectively. In the year 2002, the petitioner secured appointment as an Anganwadi Worker. After the disputes and estrangement between the parties, the respondent filed the aforestated OP for granting a decree of divorce. The said OP is at the stage of trial. When the petitioner herein went to Parchur Court to attend the said OP proceedings, the respondent asked

her to give divorce and threatened her by saying that he would obtain divorce by managing the Judge. He is an advocate's clerk and is capable of managing things. The petitioner is having life threat at Parchur at the hands of the respondent. Therefore, she cannot go to Parchur and contest the case filed by the respondent.

4. The respondent/husband has not filed any Counter. But he is orally resisting the request of the wife. His learned counsel submitted that the allegations in the present petition are invented and that the wife is anganwadi worker and that she is having worldly knowledge and that the request for transfer of the OP of the husband based on the contentions that her husband is an advocate clerk and he would influence the judge to grant divorce are preposterous and that the allegation of life threat is unfounded and on the said frivolous allegations the relief cannot be granted to the petitioner.

5. I have given earnest consideration to the facts and submissions.

6. Be it noted that the grounds urged by the wife in support of her request to transfer the OP filed by the husband from Parchur to Ongole are *ex facie* untenable. The distance between Parchur and Ongole is about 80 KMs and the Journey time is about more than one hour as per the submissions made before this Court. It is not in dispute that both the said places are well connected by road and are having adequate transport facility. Though the petitioner/ wife voiced apprehensions with regard to her safety in case she is required to go to the place of the respondent, such allegations are not uncommon in matters of this nature and as observed by the Supreme Court in *Sangeeta @ Shreya v. Prasant Vijay Wargiya* (2004) 13 SCC 407, any threat to her can always be reported to the Court concerned for necessary further action and such

unsubstantiated allegations cannot be a decisive factor in this adjudication. The wife who is employed has not pleaded financial incapacity and physical inability to undertake travel from her place to the place of the Court, where the OP is pending.

7. On the above analysis and on taking into consideration the totality of the circumstances of the case, it is obvious that no grounds much less valid grounds are made out for granting the relief claimed by the petitioner/ wife in her present petition.

8. In the result, the Transfer Civil Miscellaneous Petition is dismissed.

Pending miscellaneous petitions, if any, in this Transfer Civil Miscellaneous Petition shall stand closed.

12th September, 2017
RAR

M. SEETHARAMA MURTI, J

