

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.446 of 2015

ORDER:

This transfer civil miscellaneous petition is filed under Section 24 of C.P.C., seeking to withdraw F.C.O.P.No.88 of 2014 from the file of the Family Court, Visakhapatnam and transfer the same to any Court in Eluru, West Godavari District.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 20.5.1995 at Sriharipuram, Visakhapatnam, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of the lawful wedlock, the petitioner and the respondent were blessed with a son. While the things stood thus, the petitioner filed F.C.O.P.No.88 of 2014 on the file of the Family Court, Visakhapatnam. The petitioner also filed F.C.O.P. No.34 of 2014 on the file of the Family Court, Visakhapatnam, for grant of maintenance. The record further reveals that the petitioner is the de facto complainant in C.C.No.369 of 2014 on the file of the Court of I Additional Chief Metropolitan Magistrate, Visakhapatnam. The petitioner filed D.V.C. No.3 of 2014 against the respondent on the file of the Court of Chief Metropolitan Magistrate, Visakhapatnam. The petitioner herself voluntarily filed all these cases against the respondent in the Courts at Visakhapatnam. The respondent filed F.C.O.P.No.1255 of 2013 on the file of the Family Court, Visakhapatnam for dissolution of the marriage between the petitioner and the respondent.

4. At the time of the arguments, learned counsel for the respondent submitted that F.C.O.P. No.1255 of 2013 was dismissed for default. However, in view of the pendency of C.C.No.369 of 2014, D.V.C.No.3 of 2014 and F.C.O.P.No.34 of 2014 filed by the petitioner, before the Courts at Visakhapatnam, no purpose will be served by transferring F.C.O.P.No.88 of 2014 to any Court in Eluru, West Godavari District. The petitioner has not assigned any reasons much less cogent and valid reasons for transfer of F.C.O.P. No.88 of 2014 from the file of the Family Court, Visakhapatnam. There are no grounds much less valid grounds to allow the petition.

5. In the result, the transfer C.M.P., is dismissed. Miscellaneous petitions if any pending in this petition shall stand closed.

Date: 20.9.2018

YS

T.SUNIL CHOWDARY, J

