

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

TRANSFER CMP.No.193 OF 2016

ORDER:

Heard Sri Sharat Chandra, learned counsel for the petitioner – wife. No representation for the respondent – husband.

Learned counsel for the petitioner would submit that the marriage of the petitioner with the respondent was performed in the year 2013 and, out of their wedlock, a child, who is now four years, was born to them. Learned counsel for the petitioner would further submit that the respondent has filed O.P.No.74 of 2015 on the file of the Senior Civil Judge, Huzurabad, Karimnagar District, and since the petitioner was driven out by the respondent-husband, she has been taking shelter at her parents' house at Warangal. Learned counsel would also submit that it is difficult for the petitioner to travel to Huzurabad, Karimnagar District, and more particularly, there is even threat to her person, as the respondent used to humiliate and insult her and he, being politically based, even employed his hooligans.

Despite engaging an Advocate by the respondent, neither counter is filed refuting the allegations nor there is any representation on behalf of the respondent today.

In fact, the subject O.P, which relates to the year 2015, was filed for the relief under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights. Keeping in view, the reasons

assigned by the petitioner and also the reason that she filed DVC No.13 of 2015, under Section 12 of the Prevention of Women from Domestic Violence Act, 2005, on the file of the I Additional Judicial First Class Magistrate, Warangal, in which the respondent is supposed to attend, there is every reason to accede to the relief sought for by the petitioner.

Hence, the transfer CMP is allowed. O.P.No.74 of 2015 pending on the file of the Senior Civil Judge at Huzurabad, Karimnagar District, is withdrawn and transferred to the file of the Judge, Family Court at Warangal, for disposal in accordance with law. The transferee Court shall issue notices to both parties on receipt of case bundle and proceed in accordance with law.

Miscellaneous petitions, if any, pending in the present petition stand closed. No order as to costs.

JUSTICE A.SHANKAR NARAYANA

Dt: 27.04.2018

v v