

**THE HON'BLE SRI JUSTICE M. VENKATA RAMANA**

**Tr.C.M.P. No.6 OF 2021**

**ORDER:-**

Heard Sri R.Harish Kumar, learned counsel for the petitioner and None represented the respondent.

2. The petitioner is the wife of the respondent. Their marriage was celebrated on 25.07.2017, at Anantapur, as per applicable rites and customs. For certain reasons which are not relevant for the present purpose, both of them have been living separately. The petitioner is the resident of Kakkalapalli Village, Anantapuram (Rural) Mandal, Ananthapur District and where as the respondent is the resident of Adoni, Kurnool District.

3. The respondent has instituted H.M.O.P. No.84 of 2020 on the file of the Court of learned Senior Civil Judge, Adoni for restitution of conjugal rights against the petitioner. The request of the petitioner is to transfer the above matter on to the file of Family Court, Ananthapur. The reasons assigned by the petitioner in support of her request are that she is dependant on her father for her living who is a tailor and that she cannot afford to attend the Court at Adoni for want of money. She also pointed out the distance between Ananthapuram and Adoni as a factor which makes her difficult to travel and to attend the court at Adoni in the absence of any help from anyone. It is also pointed out by the petitioner that she has given a complaint against the respondent and others in Ananthapuram Rural Police Station, where a case is registered in Crime No.45 of 2020 for the offences under Sections 498A r/w 34 I.P.C. r/w Sections 3 and 4 of the Dowry Prohibition Act. She has also filed a petition under Section 125 Cr.P.C for

grant of maintenance on the file of the Court of learned Additional Judicial Magistrate of First Class, Ananthapuram.

4. These reasons are not in any manner controverted by the respondent nor is there any material to discredit the version of the petitioner. Balance of convenience also lies in favour of the petitioner. Therefore, the petition has to be allowed and the respondent would not suffer any prejudice if the matter is transferred to one of the competent courts at Ananthapur.

5. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.84 of 2020 now pending on the file of the Court of learned Senior Civil Judge, Adoni, Kurnool District is directed to be withdrawn and is transferred to the file of the Court of learned Additional Senior Civil Judge, Ananthapuram for disposal in accordance with law. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

Interim orders granted, if any, stand vacated.

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**JUSTICE M.VENKATA RAMANA**

Date : 18-02-2021  
B/o. EPS

**HON'BLE SRI JUSTICE M.VENKATA RAMANA**

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