

**HON'BLE SRI JUSTICE S. RAVI KUMAR**

**Tr.CIVIL MISCELLANEOUS PETITION No.215 of 2013**

-

-

**ORDER:**

This petition is filed to withdraw H.M.O.P.No.42 of 2012 from the file of Senior Civil Judge, Parchur, Prakasam District and transfer the same to Senior Civil Judge's Court, Narsapur, West Godavari District for disposal in accordance with law.

2. Petitioner herein is husband and he filed his affidavit in support of the transfer petition contending that in view of quash of FIR No.72 of 2011, no case is pending at Parchur. He further contended that as he is 70 years old and residing at Palakol, it is difficult for him to travel from Palkol to Parchur covering a distance of 250 KMs and doctor advised him not to take long journey, for that reason, he prayed for transfer of H.M.O.P No.42 of 2012 from Senior Civil Judge, Parchur, Prakasam District, which was transferred to Senior Civil Judge's Court, Narsapur, West Godavari District by this Court as per orders in Tr.C.M.P.No.531 of 2011.

3. Other side opposed application and filed counter.

4. Heard both sides.

5. Advocate for petitioner submitted as per 24 (b)(iii) of CPC, retransfer is permissible and invoking the said provision, present petition is filed. He submitted since petitioner is aged 70 years old, it is difficult for him to travel from Palkol to Parchur covering a distance of 250 KMs.

6. Other side submitted petitioner is a multi-millionaire and execution proceedings for maintenance are pending at Parchur and he is not paying any maintenance and present application is filed only to protract the proceedings.

7. I have perused the material papers and also orders of this Court dated 08.06.2012. On the request of respondent herein H.M.O.P No.42 of 2012 was withdrawn from Senior Civil Judge, Narsapur, West Godavari District and transferred to Principal Senior Civil Judge, Parchur, Prakasam District, now husband seeks retransfer of the same. Though petitioner contended that he is entitled to seek retransfer, I do not find any convincing grounds to consider the request of petitioner. The only ground urged is that he is 70 years old and doctor advised him not to take long journeys. Admittedly, O.P. is pending before Senior Civil Judge's Court, where physical presence of the parties is not necessary for each and every adjournment unlike in a proceeding before Family Court. According to submissions of both sides, O.P. is at the stage of enquiry and trial has to be commenced.

8. Considering the age of petitioner herein, I feel that this transfer O.P. can be disposed of by directing the Senior Civil Judge, Parchur to dispose of H.M.O.P. within a stipulated time.

9. Accordingly, the Transfer Miscellaneous Petition is dismissed directing the Senior Civil Judge, Parchur, Prakasam District to dispose of H.M.O.P.No.42 of 2012 within six (06) months from the date of receipt of this order and both parties shall cooperate with the trial Court in complying with the direction of this Court. No costs.

Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

---

**S. RAVI KUMAR, J**

Date: 12-03-2015  
gvl