

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.772 of 2014

ORDER:

This petition is filed to transfer O.P.No.576 of 2014 from file of Family Court, Vijaywada, to Senior Civil Judge, Kamareddy, Nizamabad District.

2. Wife filed this petition and according to her affidavit, her marriage was performed with respondent on 12.02.2012 and after marriage they lived at Hyderabad and a son was born on 29.05.2013 and thereafter due to disputes, she is living separately at her parent's house. She stated that respondent herein filed O.P.No.576 of 2014 for restitution of conjugal rights and that she filed D.V.C. before Judicial First Class Magistrate (Special Mobile) Court, Kamareddy and the same is pending. She stated that it is difficult for her to travel from Kamareddy to Vijaywada with 1 ½ year boy and that she cannot afford the charges and she is purely dependent on her parents. She further stated that respondent is working at Hyderabad and he intentionally filed O.P.No.576 of 2014 at Vijaywada to harass her and considering the same, she prayed for transfer of O.P.No.576 of 2014 from Vijaywada to Kamareddy.

3. Respondent filed counter disputing the affidavit averments of petitioner and contended that he has a life threat at Kamareddy and when he went to Kamareddy, relatives of petitioner threatened him with dire

consequences, therefore, he objected for transfer of O.P.No.576 of 2014 from Vijaywada to Kamareddy.

4. Heard arguments.

5. Both sides submitted their arguments in support of respective contentions of their clients.

6. I have perused the material papers including the affidavit of petitioner and counter of respondent. Admittedly, respondent herein is attending Judicial First Class Magistrate (Special Mobile) Court, Kamareddy in connection of D.V.C.No.31 of 2014. It is also clear from the material, respondent is working at Hyderabad. Therefore, considering the convenience of wife and for the reasons stated in the affidavit of petitioner, I feel that the request of petitioner for transfer can be considered. Further, as the transfer is sought to Senior Civil Judge's Court, Kamareddy, presence of respondent herein may not be required for each and every adjournment as it is not a designated Family Court. For these reasons, O.P.No.576 of 2014 is withdrawn from Family Court, Vijaywada, and transferred to Senior Civil Judge, Kamareddy, Nizamabad District, for disposal in accordance with law. Senior Civil Judge, Kamareddy, shall dispose of O.P.No.576 of 2014, as expeditiously as possible, by dispensing with the presence of respondent herein for each and every adjournment. However, he shall appear as and when his physical presence is necessary for any specific purpose.

7. Accordingly, transfer C.M.P. is ordered. No costs.

8. Miscellaneous Petitions pending, if any, shall stand dismissed.

S. RAVI KUMAR, J

19th March 2015.
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