

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.569 of 2014

ORDER:

This petition is filed to withdraw F.C.O.P.No.1087 of 2014 from the file of Family Court, Ranga Reddy at L.B. Nagar and transfer the same to Family Court, Vizianagaram to be tried along with FCMC No.36 of 2014.

2. Petitioner herein is wife and she filed her affidavit in support of petition, according to which, her marriage was performed with respondent on 30.10.2004 at Hyderabad, and due to disputes, she is now living separately. She stated that she filed Family Court O.P.No.36 of 2014 for maintenance and husband filed F.C.O.P.No.1087 of 2014 for restitution of conjugal rights and both the cases have to be tried by one Court to avoid conflicting decisions. She further stated that she has got 6 years old child and it is difficult for her to travel from Vizianagaram to Ranga Reddy Court for defending FCOP No.1087 of 2014. She further stated that respondent is attending Family Court O.P at Vizianagaram Court and no prejudice would be caused, if the case is transferred from Ranga Reddy to Vizianagaram. For these reasons, she prayed for transfer of F.C.O.P.No.1087 of 2014 from Family Court, Ranga Reddy to Family Court, Vizianagaram.

3. Respondent filed counter disputing the affidavit averments of petitioner/wife and contended that wife filed family Court O.P for maintenance only after filing restitution of conjugal rights petition as a counter-blast and the grounds urged for transfer are not justifiable. He further contended that petitioner is a housewife, whereas, he is an employee and it is difficult for him to travel from Hyderabad to Vizianagaram for the purpose of prosecuting O.P filed by him and he opposed the transfer of O.P.No.1087 of 2014 from Ranga Reddy to Vizianagaram. He further contended that for attending Vizianagaram Court, he applied for many leaves, for which, his employer warned him orally for applying leaves frequently, and the transfer of this case would cause hardship to him, and prayed for dismissal of petition.

4. Heard both sides.

5. Both side advocates submitted their argument supporting the contentions of their respective clients.

6. On a consideration of affidavit and counter-affidavit and also submissions of both sides, I feel that the request of petitioner/wife can be considered by transferring FCOP No.1087 of 2014 from Family Court, Ranga Reddy at L.B. Nagar to Family Court, Vizianagaram by dispensing with the presence of husband i.e., respondent herein for each and every adjournment before Family Court, Vizianagaram.

7. For these reasons, FCOP No.1087 of 2014 is withdrawn from the file of Family Court, Ranga Reddy at L.B. Nagar and transferred to Family Court, Vizianagaram to be tried along with FCMC No.36 of 2014. Family Court, Vizianagaram, shall dispose of FCOP No.1087 of 2014, as expeditiously, as possible, preferably, within six (06) months from the date of receipt of the records. Family Court, Vizianagaram shall also dispense with the presence of husband i.e., respondent herein for each and every adjournment. However, respondent shall appear as and when his physical presence is necessary for any specific purpose.

8. Accordingly, the Transfer Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 17.04.2015.

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