

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.821 of 2014

ORDER:

This petition is filed to withdraw O.P.No.32 of 2014 from the file of Principal Senior Civil Judge, Mancherial and transfer the same to Senior Civil Judge's Court at Mahabubabad or to any other competent Court in Warangal District for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of the transfer petition, according to which, her marriage with respondent was performed on 10.04.2010 at Mahabubabad, Warangal District, and due to differences and harassment, she is staying at Mahabubabad with her parents and respondent/husband intentionally filed O.P.No.32 of 2014 at Mancherial and it is difficult for her to travel from Mahabubabad to Mancherial and it is also difficult for her to take her witnesses to Mancherial from Mahabubabad and as there is a Court at Mahabubabad, she prayed for transfer of O.P.No.32 of 2014 from Mancherial to Mahabubabad or to any other Court in Warangal District by considering her convenience.

3. Respondent opposed application and filed counter contending that he is working at Chennur a remote place in Adilabad District and there is no traveling facility from Chennur to Mahabubabad, whereas there are number of trains running in between Mancherial and Mahababaaad. He contended that he apprehends danger to his life in the hands of petitioner at Mahabubabad and opposed transfer petition.

4. Heard arguments.

5. Now the point that would arise for my consideration is:

Whether there are any valid grounds for transfer of O.P.No.32 of 2014 from Principal Senior Civil Judge, Mancherial to Senior Civil Judge's Court at Mahabubabad or to any other competent Court in Warangal District?

POINT :

6. I have perused the material papers including counter affidavit of respondent. Respondent herein i.e., husband is police officer working as Sub-Inspector of Police at Chennur and he contends that he apprehends danger in the hands of petitioner at Mahabubabad. Admittedly, petitioner is now staying at Mahabubabad i.e., her parents' house place and husband filed O.P.No.32 of 2014 at Mancherial for the relief of restitution of conjugal rights alternatively for dissolution of marriage i.e., both under Section 9 and 13 of Hindu Marriage Act.

7. The contentions and rival contentions raised by both parties touching the merits of O.P. cannot be decided in this application and they have to be considered by the trial court.

8. Considering the reasons stated by petitioner/wife in her affidavit seeking transfer and considering apprehension of respondent/husband at Mahabubabad, I feel that O.P. can be transferred to Family Court, Warangal.

9. For these reasons, O.P.No.32 of 2014 is withdrawn from the file of Principal Senior Civil Judge, Mancherial and transferred to Family Court, Warangal for disposal in accordance with law. Advocate for respondent submitted that it is difficult for respondent/husband herein to secure leave because of his posting

he requested to dispense with the presence of husband before trial Court for each and every adjournment. Considering the submission of advocate for respondent, Family Court, Warangal shall dispense with the presence of respondent herein for each and every adjournment. However, respondent herein shall appear as and when the Court below feels that his physical presence is necessary for any specific purpose. No costs.

10. Accordingly, the Civil Miscellaneous Petition is allowed. No costs. Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 12-03-2015
gvl