

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.12 of 2015

ORDER:

This petition is filed to withdraw H.M.O.P.No.35 of 2014 from the file of Principal Senior Civil Judge, Tirupati and transfer the same to Family Court, SPSR Nellore for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of transfer petition, according to which, her marriage with respondent was performed on 02.09.2010 at Tirupati, and during wedlock, a female child was born and thereafter due to adamant attitude of respondent, she left the matrimonial home and staying with her parents at her native village. She stated that she gave a complaint against respondent and the same is pending as Crime No.133 of 2012. She further stated that she filed MC No.23 of 2012 claiming maintenance and the same is pending before I Additional Judicial First Class Magistrate, Gudur, and as a counter blast, respondent filed O.P.No.40 of 2012 for restitution of conjugal rights before Senior Civil Judge, Srikalahasthi and the same was dismissed, and thereafter respondent only to harass her filed H.M.O.P. before Senior Civil Judge, Tirupati and it is difficult for her to travel from Gudur, Nellore District to Tirupati for the purpose of defending H.M.O.P.No.35 of 2014. She further stated that she is not in a position to meet travel expenses and it is difficult for her to leave her 3 years old daughter, as there were none to look after. For these reasons, she prayed for transfer of H.M.O.P.No.35 of 2014 from Principal Senior Civil Judge, Tirupati to Family Court, Nellore.

3. Respondent in spite of service of notice neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. Considering the reasons stated in the affidavit and also considering the convenience of wife, H.M.O.P.No.35 of 2014 is withdrawn from the file of

Principal Senior Civil Judge, Tirupati and transferred to Family Court, SPSR Nellore for disposal in accordance with law.

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

S. RAVI KUMAR, J

Date: 01-05-2015

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