

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.678 of 2014

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ORDER:

This petition is filed to withdraw O.P.No.1365 of 2012 from the file of Additional Family Court, City Civil Court, Hyderabad and transfer the same to Family Court, Nizamabad, Nizamabad District for disposal in accordance with law.

2 . Petitioner herein is wife and she filed her affidavit in support of transfer petition. According to her affidavit, respondent/husband filed O.P before City Civil Court, Hyderabad for divorce and that petitioner is a resident of Nizamabad, and she being a lady, it is difficult for her to attend Hyderabad Court for every adjournment and that she is not a working woman, depending on the income of her father. She further stated that she is having life threat in the hands of respondent at Hyderabad.

3 . Respondent/husband filed his counter disputing the affidavit averments of petitioner and according to counter, O.P.No.1365 of 2012 is not pending and the same was disposed of on 16.03.2013 long prior to filing of this transfer O.,P and only petition filed to condone delay in filing petition to set aside ex parte decree is pending.

4. I have perused the material papers including certified copy of order in O.P.No.1365 of 2012 and also counter-affidavit filed by respondent. As seen from the Family Court order dated 15.03.2013, O.P.No.1365 of 2012 is already allowed and as rightly objected in the counter, there is no O.P. pending before Family Court as on the date of filing of this transfer O.P.

5. Therefore, considering the objection of respondent, I am of the view that this transfer O.P is not maintainable and liable to be dismissed.

6 . For these reasons, this Transfer Civil Miscellaneous Petition is

dismissed. No costs. Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 28-04-2015

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