

HONOURABLE SRI JUSTICE S.RAVI KUMAR

Tr.CMP.No.804 of 2014

ORDER:

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This petition is filed to transfer O.P.No.40 of 2014 from the file of Senior Civil Judge, Rajampet, Kadapa District to Family Court, Tirupati, Chittoor District.

Wife filed this application and according to her affidavit, her marriage with the respondent was performed on 28.04.1999 at Tirupati and she gave birth to two female children and they are studying at Tirupati. It is stated that due to disputes with her husband and as the reconciliation attempts have failed, she is staying at her parents house at Tirupati along with her minor children and she filed M.C. before Family Court, Tirupati and she was granted maintenance of Rs.10,000/- to her and Rs.5,000/- each to her children and that the husband preferred revision against the said order and the same is pending in the High Court. It is further stated that she filed D.V.C.No.60 of 2012 and the same is pending before III Additional Judicial Magistrate of First Class, Tirupati and the husband filed petition for restitution of conjugal rights at Rajampet only to harass her and it is stated that she cannot travel from Tirupati to Rajampet as she has no assistance to escort her. It is further contended that her father is a senior citizen and cannot undertake journey

and the female children are aged 13 years and 6 years and it will be inconvenient for her to go to Rajampet for each and every adjournment to defend Marriage O.P.No.40 of 2014 and prayed for transfer of the same from Rajampet, Kadapa District to Family Court, Tirupati.

Learned Advocate for the respondent disputed the affidavit averments of the wife.

Heard both sides.

Learned Advocate for petitioner submitted that husband is attending Tirupati in connection of DVC.No.60 of 2012 and no prejudice will be caused to him if the O.P. for restitution of conjugal rights is transferred to Tirupati. It is further submitted that it is difficult for the petitioner-wife to travel from Tirupati to Rajampet as she has to look after the welfare of two female school going children and that she has no male assistance to escort her from Tirupati to Rajampet.

I have perused the material papers filed along with the transfer petition.

The affidavit averments of the wife remained unchallenged. No counter is filed on behalf of the respondent-husband.

As seen from the affidavit, D.V.C.No.60 of 2012 is pending before the III Additional Judicial First Class Magistrate, Tirupati and according to the submissions of the advocate for the petitioner, respondent herein is attending the said case and defending it. So when the

respondent is attending Tirupati Courts in connection with D.V.C.No.60 of 2012, he can as well attend Tirupati Court in connection with this marriage O.P. also. Therefore, considering the convenience of the wife and also for the reasons stated in the affidavit, marriage O.P.No.40 of 2014 is withdrawn from Senior Civil Judge, Rajampet, Kadapa District and transferred to Family Court, Tirupati, Chittoor District for disposal in accordance with law.

Transfer Petition is ordered accordingly. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

JUSTICE S.RAVI KUMAR

Dt.9th March, 2015

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