

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.744 of 2014

ORDER:

This petition is filed to withdraw H.M.O.P.No.72 of 2013 from the file of Senior Civil Judge, Markapuram, Prakasam District and transfer the same to Family Court, Kurnool District for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of petition, according to which, her marriage with respondent was performed on 28.06.2007, and due to harassment, she was forced to leave matrimonial home and stay with her parents at Kurnool. She stated that she is staying at her parents' house from 14.09.2013 along with her two children and they are living on the mercy of her mother and brother. She stated that she filed DVC No.38 of 2014 before Special Judicial First Class Magistrate (Excise), Kurnool and the same is pending. She further stated that it is difficult for her to attend before Senior Civil Judge, Markapuram with her two kids, as there is no one to escort her from Markapuram to Kurnool. She contended that respondent/husband intentionally filed O.P.No.72 of 2013 at Markapuram to harass her, and for these reasons, she prayed for transfer of O.P.No.72 of 2013 from Markapuram, Prakasam District to Family Court, Kurnool District.

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

4. Heard advocate for petitioner.

5. Advocate for petitioner/wife submitted that respondent/husband is attending Excise Court, Kurnool in connection

of D.V.C.No.38 of 2014, and there cannot be any inconvenience for him, if this H.M.O.P.No.72 of 2013 is also transferred to Family Court, Kurnool.

6. I have perused the material papers including affidavit of petitioner filed along with transfer petition. According to her affidavit, she also filed a criminal complaint under Section 498-A before Judicial First Class Magistrate, Kurnool and it is at the stage of C.F.R., whereas, DVC is pending before Judicial First Class Magistrate (Excise), Kurnool.

7. Considering the reasons stated in the affidavit and also considering the convenience of wife, O.P No.72 of 2013 is withdrawn from the file of Senior Civil Judge, Markapuram, Prakasam District and transferred to Family Court, Kurnool for disposal in accordance with law.

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

S. RAVI KUMAR, J

Date: 10.03.2015.

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