

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.448 of 2014

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ORDER:

This petition is filed to withdraw O.P.No.61 of 2013 from the file of Senior Civil Judge, Peddapally of Karimnagar District and transfer the same to Senior Civil Judge, Mancherial of Adilabad District for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of petition. According to her affidavit averments, respondent is working as conductor in A.P.S.R.T.C., and due to disputes, she is now staying at her native place Mandamarry village near Mancherial and husband filed O.P. for divorce before Peddapally Court in Karimnagar District and she cannot travel from Mandamarry to Peddapally, which is at a distance of 50 KMs and that there is no transport facility from Mandamarry to Peddapally when compared to transport facility between Mandamarry and Mancherial. For these reasons, she prayed for transfer of O.P.No.61 of 2013 from Senior Civil Judge, Peddapally, Karimnagar District to Senior Civil Judge, Mancherial, Adilabad District.

3 . Respondent filed counter disputing the affidavit averments of petitioner/wife. According to his affidavit, there is train facility from the village of petitioner to Peddapally for every 30 minutes starting from 6.00 a.m. to 12.00 p.m., and the train fare is only Rs.15/- and the distance is only 40 KMs. He also contended that there is also bus facility from her village to Peddapally, which is at a distance of 50 KMs and the ordinary bus fare is Rs.37/- and Express bus fare is Rs.45/-, therefore, the contention that there is no conveyance between Mandamarry and Peddapally is not correct and that there are no justifiable grounds for transfer.

4. Heard both sides.

5. Both side advocates submitted their argument supporting the contentions of their respective clients. I have perused the material papers including affidavit of petitioner and counter-affidavit of respondent. Family O.P.No.61 of 2013 is pending

before Senior Civil Judge's Court, where physical presence of parties is not necessary for each and every adjournment and they can be represented by advocates unlike in Family Court. Further, as the distance between Mandamarri and Peddapally is less than 50 KMs, which is connected by both train and bus, the contention of petitioner that there is no transport facility between Mandamarri and Peddapally cannot be accepted.

6. Therefore, considering the material on record, I am of the view that there are no justifiable grounds for transfer of O.P.No.61 of 2013 from Senior Civil Judge, Peddapalli. However, Senior Civil Judge, Peddapally is directed to dispose of O.P.No.61 of 2013, as expeditiously, as possible, preferably, within six (06) months from the date of receipt of this order without insisting physical presence of petitioner herein for each and every adjournment. However, she shall appear as and when her physical presence is necessary for any specific purpose.

7. For these reasons, the Transfer Miscellaneous Petition is dismissed. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 17.04.2015.

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