

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.647 of 2014

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ORDER:

This petition is filed to withdraw F.C.O.P.No.463 of 2014 from the file of Family Court, City Civil Court, Hyderabad and transfer the same to Family Court, Karimnagar for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of petition. According to her affidavit, she is staying at her parents' house in Karimnagar and respondent/husband filed O.P. before Family Court, Hyderabad and she gave birth to a female child on 06.02.2014 and it is difficult for her to travel from Karimnagar to Hyderabad with baby for each and every date of hearing. She further contended that she has no financial assistance to meet travel expenses from Karimnagar to Hyderabad, and for these reasons, she prayed for transfer of F.C.O.P.No.463 of 2014 from Family Court, Hyderabad to Family Court, Karimnagar.

3. Respondent/husband filed counter disputing the affidavit averments of petitioner and contended that petitioner is attending Hyderabad in connection of criminal case, which is registered against petitioner/wife and that she has got relatives at Hyderabad and the petition is filed only with a view to harass him.

4. Heard both sides.

5. Advocate for petitioner submitted that petitioner has no financial assistance and criminal case is only at the stage of investigation, where her presence is not necessary for each and every adjournment, and therefore, considering the convenience of petitioner/wife, O.P. may be transferred from Hyderabad to Karimnagar.

6. Other side advocate opposed the application and submitted that husband is ready to provide financial assistance for wife to meet travel expenses from Karimnagar to Hyderabad and that the grounds urged for transfer are not tenable.

7. I have perused the material papers filed along with transfer petition and also counter-affidavit filed by respondent/husband. Considering the contentions and rival contentions of both parties, I feel that the petition can be disposed of by directing the Family Court, Hyderabad to dispense with the presence of wife for each and every adjournment.

8. Accordingly, the Transfer Miscellaneous Petition is dismissed directing the Family Court, Hyderabad to dispense with the presence of petitioner herein i.e., wife for each and every adjournment. However, petitioner/wife shall appear as and when trial Court feels that her physical presence is necessary for any specific purpose, and for that appearance, respondent/husband has to meet the travel expenses including boarding charges. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 16.04.2015.

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