

**HON'BLE SRI JUSTICE S. RAVI KUMAR**

**TRANSFER C.M.P.No.527 of 2014**

**ORDER:**

This petition is filed to withdraw H.M.O.P.No.30 of 2014 from the file of Senior Civil Judge, Srikalahasti, and transfer the same to Family Court, Nellore.

2. Wife filed this petition and according to her affidavit, she filed M.C.No.47 of 2014 before Family Court, Nellore, and husband filed H.M.O.P.No.30 of 2014 before Senior Civil Judge, Srikalahasti and due to differences they are living separately. She contended that husband filed H.M.O.P.No.30 of 2014 to nullify the marriage and it is difficult for her to attend Srikalahasti Court for the purpose of defending H.M.O.P.No.30 of 2014 and for that reason, she prayed for transfer of H.M.O.P.No.30 of 2014 from Srikalahasti to Nellore.

3. Respondent-husband opposed the petitioner and contended that presence of wife is not necessary for each and every adjournment and that the marriage was took place at Srikalahasti and for that reason H.M.O.P.No.30 of 2014 is filed before Senior Civil Judge, Srikalahasti and that there are not grounds to transfer.

4. Heard both sides.

5. Advocate for petitioner submitted subsequent to filing of H.M.O.P.No.30 of 2014, wife filed M.C. before Family Court, Nellore and the same is registered as M.C.No.47 of 2014 and respondent has to attend in connection of that case and to avoid conflicting decisions, H.M.O.P.No.30 of 2014 filed by husband may be transferred to Family Court, Nellore, for disposal in accordance with law.

6. Advocate for respondent-husband submitted the presence of wife is not necessary for each and every adjournment and the grounds urged in the transfer C.M.P. is not tenable, therefore, this petition has

to be dismissed.

7. Considering the submissions of both sides and also considering the facts that wife already filed M.C. before Family Court, Nellore, and as both the cases have to be tried by one Court, I feel that the request of wife can be considered by directing the Family Court, Nellore, to dispense with the presence of respondent herein for each and every adjournment.

8. For these reasons, H.M.O.P.No.30 of 2014 is withdrawn from Senior Civil Judge, Srikalahasti and transferred to Family Court, Nellore for disposal in accordance with law. Family Court, Nellore, shall dispense with the presence of respondent herein for each and every adjournment. However, he shall appear as and when his physical presence is necessary for any specific purpose.

9. Accordingly, transfer C.M.P. is ordered. No costs.

10. Miscellaneous Petitions pending, if any, shall stand dismissed.

---

**S. RAVI KUMAR, J**

9<sup>th</sup> April 2015.

mar