

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.620 of 2013

ORDER:

This petition is filed to withdraw O.P.No.85 of 2013 from the file of Family Court, Khammam and transfer the same to the Senior Civil Judge's Court, Kothapet, East Godavari District.

2. Petitioner herein is wife and she filed her affidavit in support of the petition, according to which, her marriage with respondent was performed on 12.10.2011 and due to family differences she is now staying at her parents house. According to her affidavit, she filed M.C.No.15 of 2013 before Judicial First Class Magistrate Court, Kothapet and the same is pending and according to her affidavit, a complaint was given by her in the year 2011 and the same is registered as Crime No.134 of 2013 only at the intervention of this Court and respondent to harass her filed O.P. at Khammam Court. She contended that she cannot afford to attend Khammam Court from Kothapet and she apprehends danger to her life in the hands of respondent at Khammam, and for these reasons, she prayed for transfer of O.P.No.85 of 2013 from Family Court, Khammam to Senior Civil Judge's Court, Kothapet.

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 submitted that petitioner has filed maintenance case against respondent and respondent is attending for that case at Kothapet and if this O.P. is transferred, it may not

cause any prejudice to respondent/husband. He further submitted that wife is not in a position to maintain herself, and she cannot afford to travel all the way from Kothapet to Khammam for defending O.P.No.85 of 2013. He further submitted that as petitioner/wife apprehends danger to her life at Khammam, her request may be considered.

6. Considering the reasons stated in the affidavit of petitioner, which remained un-challenged, and also considering the convenience of wife, O.P.No.85 of 2013 is withdrawn from the file of Family Court, Khammam and transferred to Senior Civil Judge's Court, Kothapet, East Godavari District for disposal in accordance with law.

7. Accordingly, this 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: 20-02-2015

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