

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.485 of 2014

ORDER:

This petition is filed to withdraw F.C.O.P.No.30 of 2014 from the file of Family Court, Kadapa, and transfer the same to Family Court, Hyderabad.

2. Wife filed this petition and according to her affidavit, this is the second F.C.O.P. filed by respondent-husband for the relief of divorce. She stated that respondent herein earlier filed divorce O.P.No.33 of 2009 before Family Court, Kadapa and on the petition filed by her, the same was transferred to Additional Family Court, Hyderabad and re-numbered as O.P.No.1400 of 2009 and the same was dismissed for default on 20.10.2010. She further stated that she filed O.P.No.400 of 2011 for restitution of conjugal rights before Additional Family Court, Hyderabad and in that respondent filed I.A. making counter claim for divorce even that petition was dismissed, respondent preferred C.R.P.No.5491 of 2011 and subsequently the same was withdrawn with liberty to file a restoration petition to restore to O.P.No.1400 of 2009, but he has failed to file any restoration petition, but again filed this F.C.O.P.No.30 of 2014 for divorce. She further stated that she is incurring Rs.750/- for every adjournment to go to Kadapa for defending F.C.O.P.No.30 of 2014 and that she has no source of income. She also stated that she already visited eight to nine times to Kadapa and it is

causing hardship to her besides expensive. She further stated that she is not getting any maintenance and she being a woman facing financial difficulties, not able to attend the Court at Kadapa for defending F.C.O.P.No.30 of 2014, for these reasons, she prayed for transfer of F.C.O.P.No.30 of 2014 from Kadapa to Hyderabad.

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 filed D.V.C.No.11 of 2011 and the same is pending before III Additional Metropolitan Magistrate, Yerramanjil, Hyderabad. She further stated that Family Court appeal preferred against the order in O.P.No.400 of 2001 is also pending before this Court and respondent herein is attending Hyderabad Court in connection of both these cases and no prejudice would be caused if F.C.O.P.No.30 of 2014 is transferred to Hyderabad.

6. I have perused the material papers including copies of earlier proceedings. Considering the reasons stated in the affidavit and also considering the convenience of petitioner, F.C.O.P.No.30 of 2014 is withdrawn from Family Court, Kadapa, and transferred to Family Court, Hyderabad, for disposal in accordance with law.

7. For these reasons, transfer C.M.P. is ordered. No costs.

8. Miscellaneous Petitions pending, if any, shall stand

dismissed.

19th March 2015.
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S. RAVI KUMAR, J