

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.514 of 2013

ORDER:

This petition is filed to withdraw F.O.P.No.206 of 2012 from the file of Family Court, Warangal, and transfer the same to Senior Civil Judge, Janagoan, to be tried along with O.P.No.32 of 2012.

2. Wife filed this petition contending that she is residing at Janagoan due to marital disputes and she filed O.P.No.32 of 2012 for restitution of conjugal rights and respondent filed F.O.P.No.206 of 2012 for divorce. She contended that she is staying with her parents at Janagoan and there is no male member except her father to accompany her to Warangal for the purpose of defending F.O.P.No.206 of 2012. She also contended that there is a life threat for her at Warangal in the hands of respondent and for these reasons, she prayed for transfer of F.O.P.No.206 of 2012 from Warangal to Janagoan.

3. Respondent-husband filed counter disputing the affidavit averments of the petitioner and contended that as the Family court is posting matter either on Saturday or Sunday, he is able to attend the Family Court without applying for any leave and if this matter is transferred to Janagoan, he will be put to hardship as he may find it difficult to get leave from his employer for the purpose of attending Janagoan Court. He further contended that petition is not maintainable, as this remedy is available for her before District Court, Warangal.

4. Heard both sides. Both advocates submitted their arguments in support of contentions of their respective claims.

5. I have perused the material papers. As seen from material papers, the respondent herein is attending Janagoan Court not only in connection of O.P.No.32 of 2012 but also in connection of 498-A

case. As rightly pointed out by advocate for petitioner both divorce O.P. and petition for restitution of conjugal rights have to be tried by one Court to avoid conflicting decisions. The only difficulty for the respondent/husband is that he cannot get leave from his employer for attending the Court at Janagoan. Considering this, I feel by directing Janagoan Court to dispense with the presence of respondent/husband for each and every adjournment, this petition can be ordered.

6. Considering the submissions of both sides, I feel that the request of wife can be considered.

7. For these reasons, F.O.P.No.206 of 2012 is withdrawn from Family Court, Warangal and transferred to Senior Civil Judge, Janagoan, to be tried along with O.P.No.32 of 2012. The Senior Civil Judge, Janagoan, 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.

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

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

S. RAVI KUMAR, J

10th April 2015.

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