

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.829 of 2014

ORDER:

This petition is filed to withdraw O.P.No.1358 of 2014 from the file of Family Court, Visakhapatnam, and transfer the same to Family Court, Vijaywada.

2. Wife filed this petition and according to her affidavit, respondent-husband filed O.P.No.1358 of 2014 for divorce only to harass her. She stated that she filed O.P.No.887 of 2014 before Family Court, Vijaywada for restitution of conjugal rights and she is having threat at Visakhapatnam and it would be difficult for her to attend before Family Court, Visakhapatnam by all the way travelling from Vijaywada as there is no security for her life at Visakhapatnam. She further stated that both the O.Ps. have to be tried by one Court, there are no relatives for her at Visakhapantam and as she is not in a financial position to meet the travelling expenses, she prayed for transfer of O.P.No.1358 of 2014 from Visakhapatnam to Vijaywada.

3. Respondent in spite of making his appearance through advocate in February, 2015 did not choose to file any counter-affidavit disputing the affidavit averments of petitioner.

4. Heard arguments.

5. Considering the affidavit averments which remained unchallenged and also considering the fact that both the

O.Ps. i.e., O.P. for divorce and O.P. for restitution of conjugal rights, have to be tried by one Court to avoid conflicting decisions and by taking into consideration convenience of wife, O.P.No.1358 of 2014 is withdrawn from Family Court, Visakhapatnam and transferred to Family Court, Vijaywada, to be tried along with O.P.No.887 of 2014.

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

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

S. RAVI KUMAR, J

24th April 2015.

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