

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.519 of 2014

ORDER:

This petition is filed to withdraw F.C.O.P.No.1247 of 2013 from the file of Family Court, Ranga Reddy, and transfer the same to Family Court, Mahabubnagar.

2. Wife filed this petition and according to her affidavit, her marriage was performed with respondent on 30.12.2010 and after marriage she joined respondent at Lagacherla Village and lived happily for one year and a male child was born. She stated that thereafter respondent started harassing and as she is unable to bear the harassment, she lodged a criminal complaint with Station House Officer, Bomraspet, and police registered a case against respondent and the same is pending. She contended that she filed M.C.No.27 of 2013 before Judicial First Class Magistrate, Kodangal and D.V.C.No.4 of 2013 before the same Court and both the cases are pending. She further contended that distance between Ranga Reddy and her village is about 150 kms. and it is difficult for her to travel this distance for defending F.C.O.P.No.1247 of 2013 filed by respondent. She further complained that there was threatening from respondent whenever she attended the Court at Ranga Reddy and for these reasons, she prayed for transfer of F.C.O.P.No.1247 of 2013 from Ranga Reddy to Mahabubnagar.

3. Respondent filed counter-affidavit disputing the affidavit averments of petitioner and according to counter-affidavit, he is working as teacher in a residential school at Maheswaram Mandal and it is difficult for him to attend Mahabubnagar Court leaving his job. He further contended that there is no legal necessity to transfer F.C.O.P.No.1247 of 2013 from Ranga Reddy to Mahabubnagar. He contended that M.C. and D.V.C. are filed only to harass him and that he is contesting the said cases.

4. Heard both sides.

5. Both advocates submitted their arguments supporting respective contentions of their clients.

6. I have perused the material papers including the affidavit of petitioner and counter-affidavit of respondent. Petitioner sought for transfer of the case mainly on the ground of convenience and also on the ground that M.C., D.V.C. and 498-A IPC cases filed by her are pending in Mahabubnagar District and respondent is attending those cases and no prejudice would be caused if this case is also transferred to Mahabubnagar. Respondent mainly opposed the petition on the ground that he is an employee and it is difficult for him to attend Mahabubnagar Court and applying leave frequently would affect on his service and on these grounds he prayed to dismiss the transfer C.M.P.

7. Considering the contentions and rival contentions of both parties and also considering the fact that three cases are already pending in Mahabubnagar District, for which respondent is attending and contesting, I feel that the request of petitioner can be considered by dispensing with the presence of respondent herein for each and every adjournment before Family Court, Mahabubnagar.

8. For these reasons, F.C.O.P.No.1247 of 2013 is withdrawn from Family Court, Ranga Reddy and transferred to Family Court, Mahabubnagar, for disposal in accordance with law. Family Court, Mahabubnagar 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

26th March 2015.

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