

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.320 of 2014

ORDER:

This petition is filed to withdraw O.P.No.633 of 2012 from the file of Principal District Judge, Kadapa, and transfer the same to Principal District Judge, Anantapur.

2. Wife filed this petition contending that her marriage with respondent was performed on 29.04.2010 and that respondent filed O.P.No.633 of 2012 for dissolution of marriage and that she is resident of Guntakal and it is difficult for her to travel from her place of employment to Kadapa for each and every adjournment and that Anantapur District Court is nearer to her and it is very convenient for her. It is further contended that distance between place of her residence and Kadapa is more than 200 kms. and she being a lady, it is difficult for her to travel and that she is suffering in convenience for her travel from Guntakal to Kadapa.

3. Respondent has not filed any counter.

4. Heard both sides.

5. Advocate for petitioner submitted that petitioner being a lady facing difficulty in attending the Court at Kadapa for defending O.P.No.633 of 2012, therefore, taking her convenience in to, O.P.No.633 of 2012 may be transferred as prayed for.

6. Advocate for respondent submitted that trial of O.P. is already commenced and the evidence of respondent side herein is over and it is coming for the evidence of wife i.e., petitioner herein, at that stage the present transfer C.M.P. is filed and that there is no justification in seeking transfer. It is further contended that petitioner has attended all these years before Kadapa Court and only at the time of her evidence, inconvenience is complained.

7. In reply, advocate for petitioner contended that trial has not commenced.

8. Considering the submissions of both sides and considering the fact that O.P. is of the year 2012 and that petitioner has already filed her counter and defending O.P. at Kadapa Court, I feel that this transfer C.M.P. can be disposed of by directing the Court below to expedite the hearing of O.P.No.633 of 2012 and decide it within stipulated time by dispensing with the presence of petitioner herein for each and every adjournment.

9. Accordingly, transfer C.M.P. is disposed of directing Principal District Judge, Kadapa, to dispose of O.P.No.633 of 2012 within a period of three months from the date of receipt of order by dispensing with the presence of petitioner herein for each and every adjournment. However, petitioner herein shall appear as and when her physical presence is necessary for any specific purpose. No costs.

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

S. RAVI KUMAR, J

28th April 2015.

mar