

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.2540 of 2015

-
-
ORDER:
-

This Civil Revision Petition is filed challenging the order

dt.16-04-2015 in Tr.O.P.No.11 of 2015 of the I Additional District, FAC District Judge, Chittoor transferring H.M.O.P.No.68 of 2014 pending on the file of the Senior Civil Judge, Palamaner to the Court of Family Court-cum-V Additional District Judge, Tirupati.

2. Petitioner herein is wife of respondent. She filed the O.P. seeking divorce against respondent alleging cruelty. She is employed in State Bank of India at Gadwal in Mahaboob Nagar District while petitioner is employed in a private concern in Tirupati.

3. The respondent filed Tr.O.P.No.11 of 2015 contending that his father is suffering from chronic kidney disease and undergoing dialysis twice in a week at Tirupati and requires his support during dialysis. He enclosed medical certificate dt.05-11-2014 issued by Manasa Kidney Foundation, Tirupati. He contended that due to ill-health of his father, he is unable to attend each

and every adjournment before Senior Civil Judge, Palamaner and the distance from Tirupati to Palamaner is considerable. He further contended that except him, there is no other person to look after his father's medical treatment.

4. The petitioner filed a counter opposing this application. She denied that respondent's father is seriously ill. She contended that respondent is not looking after his father, but his elder brother by name Yugandhar, who is also resident of Tirupati, is taking care of his father. She alleged that respondent's father is a retired Sub-Inspector of Police and that respondent's elder sister is a Court employee. She alleged that respondent used to beat her and threaten to kill her and that it is therefore not safe for her to visit Tirupati.

5. By order dt.16-04-2015, the Court below allowed the said application. It accepted the plea of respondent that he had to look after his father who is seriously ill and held that since the petitioner is working at Gadwal in Mahaboob Nagar District, if the matter is transferred from Palamaner to Tirupati, no prejudice would be caused to her.

6. Challenging the same, this Revision is filed.

7. The learned counsel for petitioner Sri Suresh Kumar Reddy Kalava contended that petitioner's life is in danger if she goes to Tirupati and that the plea of respondent that his father is seriously ill and he has to take care of him and cannot travel to Palamaner where the case was pending on account of this difficulty, is false.

8. I am unable to agree with the said submission. Admittedly, Palamaner is at a distance of 75 K.Ms. from Tirupati and even for the petitioner it would be difficult to travel to that place from Gadwal in Mahaboob Nagar, where she is residing. No doubt her parents hail from that place. But that is not a ground for petitioner to insist that proceedings should continue at Palamaner only. The respondent has filed certificate dt.05-11-2014 issued by Manasa Kidney Foundation, Tirupati, who is treating his father which shows that he requires dialysis twice a week. The respondent is contending that he has to accompany his father for dialysis and it would be difficult for him to travel to Palamaner where the case is pending.

9. I am of the opinion that it is not for the petitioner to decide who should attend to the respondent's father. Except making a bald allegation that her life is in danger, no material is placed on record by petitioner before the Court to substantiate this contention. Even according to

petitioner, her affidavit in chief-examination is already filed and the matter is coming up for her cross-examination by respondent. Therefore, it is unlikely that petitioner would face any difficulty since she has to appear before the Court before only to face cross-examination on a given date and thereafter within a short time the trial is likely to be concluded.

10. Therefore, I do not find any reason to interfere with the impugned order. The Civil Revision Petition is accordingly dismissed. No costs.

11. As a sequel, miscellaneous petitions pending if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 07-07-2015

Vsv