

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.58 of 2014

-

ORDER:

This petition is filed to withdraw H.M.O.P.No.49 of 2013 from the file of Senior Civil Judge, Mahabubnagar and transfer the same to Family Court, Kurnool to be tried along with FCMCOP No.4 of 2013.

2. Petitioner herein is wife and she filed her affidavit in support of petition. According to her affidavit, respondent/husband filed H.M.O.P.No.49 of 2013 before Senior Civil Judge, Mahabubnagar, for divorce and due to marital disputes petitioner/wife is residing at Kurnool. She stated that she filed M.C.No.4 of 2013 before Family Court, Kurnool and also gave a complaint under Section 498-A IPC to Women Police Station, Kurnool, which is registered as Crime No.28 of 2011. She stated that distance between Kurnool and Mahabubnagar is about 180 KMs and she is not in a position to bear travel expenses and that she has no assistant to accompany her from Kurnool to Mahabubnagar for the purpose of defending H.M.O.P.No.49 of 2013. She further stated that respondent is a businessman and he has got sufficient means and there is adequate transport facility. For these reasons, she prayed for transfer of H.M.O.P.No.49 of 2013 from Senior Civil Judge, Mahabubnagar to Family Court, Kurnool.

3. Respondent in spite of taking time did not file any counter disputing the affidavit averments of petitioner.

4. Heard both sides.

5. I have perused the material papers including affidavit of petitioner filed along with transfer petition. From the submissions of advocate for petitioner, it appears that respondent is attending Family Court, Kurnool in connection of FCMCOP.No.4 of 2013 filed by wife and defending the same. It also appears that he is also attending Criminal Court in connection of Crime No.28 of 2011. As he is attending for these two cases, there may not be any difficulty for

respondent/husband to attend Family Court, Kurnool for the purpose of prosecuting O.P. filed by him.

6. Considering the reasons stated in the affidavit and also considering the convenience of wife, H.M.O.P.No.49 of 2013 is withdrawn from Senior Civil Judge, Mahabubnagar and transferred to Family Court, Kurnool to be tried along with FCMCOP No.4 of 2013.

7. Accordingly, the Transfer Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 17.04.2015.

gvl