

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.807 of 2014

ORDER:

This petition is filed to withdraw F.C.O.P.No.215 of 2014 from the file of Family Court, Nellore, and transfer the same to Additional Family Court, Visakhapatnam.

2. Petitioner-wife filed this petition contending that she has no male assistance to travel from Visakhapatnam to Nellore to defend F.C.O.P. and that she has no relatives at Nellore for her stay and that F.C.O.P.No.1184 of 2014 for restitution of conjugal filed by her is pending at Additional Family Court, Visakhapatnam and to avoid conflicting decisions, F.C.O.P.No.2015 of 2014 has to be transferred from Nellore to Visakhapatnam.

3. Respondent-husband opposed the petition mainly on the ground that divorce O.P. is filed on the ground of adultery. Respondent has not filed any counter. Advocate for respondent submitted that since the adultery is attributed except Visakhapatnam, respondent has no objection to transfer the F.C.O.P. for any Court and requested that any middle place may be chosen for disposal of these two cases.

4. Heard arguments.

5. I have perused the material papers including the divorce petition filed by respondent and petition for restitution of conjugal rights filed by petitioner. Admittedly,

respondent is staying at Bangalore and he has to attend the Court for these O.Ps. from Bangalore, as it makes no difference whether it is Nellore, Vishkapatnam or any middle place. But the only objection of respondent for Visakhapatnam is adultery ground. But, that ground cannot be decided in this petition it has to be decided in the main petitions.

6. Considering the contentions and rival contentions of both parties, I feel that this petition can be disposed of by directing the trial court to dispense with the presence of respondent for each and every adjournment, as he has to come from Bangalore for the purpose of these two cases as both the O.Ps. have to be tried by one Court to avoid conflicting opinions.

7. Considering the convenience of petitioner, F.C.O.P.No.215 of 2014 is withdrawn from Family Court, Nellore and transferred to Additional Family Court, Visakhapatnam, to be tried along with O.P.No.1184 of 2014. The Family Court, Visakhapatnam, shall dispose of these two petitions as expeditiously as possible by dispensing with the presence of respondent herein in both O.Ps. for each and every adjournment. However, he shall appear as and when his physical presence is necessary before the trial Court for any specific purpose.

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

9. Miscellaneous petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

27th February 2015.

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