

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.146 of 2015

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ORDER:

This petition is filed to withdraw F.C.O.P.No.20 of 2015 from the file of Family Court, Nellore and transfer the same to Principal Senior Civil Judge, Eluru, West Godavari District to be tried along with H.M.O.P.No.156 of 2014.

2. Petitioner herein is wife and she filed her affidavit in support of transfer petition, according to which, her marriage with respondent was performed on 21.11.2004 and that she was harassed by her husband and that she was necked out from the matrimonial home in March 2011, and since then, she is residing at Eluru. She stated that she filed DVC No.36 of 2014 before II Additional Judicial First Class Magistrate, Eluru and she also filed a petition for divorce as H.M.O.P. No.156 of 2014 before Senior Civil Judge, Eluru and both cases are pending, and as a counter blast, respondent filed F.C.O.P.No.20 of 2015 for restitution of conjugal rights at Nellore only to harass her. She stated that Nellore is more than 200 KMs from Eluru and she being a lady, not having any assistance and not in a position to attend Court at Nellore and that she has also a life threat at Nellore in the hands of respondent. For these reasons, she prayed for transfer of F.C.O.P.No.20 of 2015 from Nellore to Eluru.

3. Respondent in spite of service of notice neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. Considering the reasons stated in the affidavit and also considering the fact that cases filed by wife are pending at Eluru, in which, respondent is already attending, and also considering the convenience of wife, F.C.O.P.No. 20 of 2015 is withdrawn from the file of Family Court, Nellore and transferred to Principal Senior Civil Judge, Eluru, West Godavari District to be tried along with H.M.O.P.No.156 of 2014 in accordance with law.

6. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 28-04-2015

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