

## **HON'BLE SRI JUSTICE S. RAVI KUMAR**

### **Tr.CIVIL MISCELLANEOUS PETITION No.644 of 2014**

#### **ORDER:**

This petition is filed to withdraw F.C.O.P.No.912 of 2014 from the file of Family Court, Visakhapatnam and transfer the same to Family Court, Kakinada for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of petition, according to which, her marriage with respondent was performed on 29.05.2013 at Kakinada and due to disputes both of them are living separately and she is now staying at her parents' house in Kakinada. She contended that she gave a report in Women Police Station, Kakinada and investigation is pending in respect of that case. She further stated that she filed M.C.No. 58 of 2014 before V Additional Judicial First Class Magistrate, Kakinada seeking maintenance and respondent/ husband filed O.P.No.912 of 2014 before Family Court, Visakhapatnam for restitution of conjugal rights. She stated that it is difficult for her to travel from Kakinada to Visakhapatnam without any male assistance, as her father became old, who is not in a position to accompany her. She further stated that she cannot afford travel expenses and boarding chares at Visakhapatnam. For these reasons, she prayed for transfer of F.C.O.P.No.912 of 2014 from Family Court, Visakhapatnam to Family Court, Kakinada.

3 . Respondent/husband filed counter disputing the affidavit averments of petitioner. The main objection of respondent is that father of petitioner is a practicing advocate at Kakinada and that it is difficult for him to travel from Visakh0apatnam to Kakinada for the purpose of prosecuting O.P. filed by him and on this ground, he opposed for transfer of O.P.

4. Heard both sides.

5. Both side advocates submitted their argument supporting the contentions of their respective clients. As seen from the material, respondent herein already attending Kakinada Court in connection of maintenance case filed by petitioner/wife,

therefore, there may not be any prejudice or inconvenience to respondent, if this case is also transferred to Kakinada. Further except a bald allegation no specific motive is attributing to father of petitioner become of his profession

6. Considering the reasons stated<sup>0</sup> in the affidavit and also considering the convenience of wife, F.C.O.P.No.912 of 2014 is withdrawn from Family Court, Visakhapatnam and transferred to III Additional Senior Civil Judge, Kakinada for disposal in accordance with law. III Additional Senior Civil Judge, Kakinada shall decide the matter within six (06) months from the date of receipt of records.

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.

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**S. RAVI KUMAR, J**

Date: 21.04.2015.

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