

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.720 of 2014

Dated 24th March, 2015

Between:

Morusupalli Pushpalatha.

...Petitioner.

And:

Mallibhatti Panduranga Vittal.

...Respondent.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

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ORDER:

This petition is filed to withdraw marriage O.P.No.19 of 2014 from Principal Senior Civil Judge, Nandyal, Kurnool District and transfer the same to Family Court, Guntur to be tried along with Family Court O.P.No.77 of 2014.

Wife filed this application contending that her marriage was performed on 8-4-2009 and due to harassment, she filed complaint before Guntur Police Station and the same is registered as Crime No.417 of 2013 and she filed D.V.C.No.49 of 2014 before the Judicial First Class Magistrate, Special Mobile Court, Guntur and also filed O.P.No.77 of 2014 for divorce and all these cases are pending at Guntur.

She further contended that it is difficult for her to travel from Guntur to Nandyal and that there is no male support to escort her and that she has no sufficient means to meet travel expenses from Guntur to Nandyal and for these reasons, she prayed for transfer of O.P.No.19 of 2014 from Senior Civil Judge, Nandyal.

Respondent filed counter disputing the affidavit averments of the wife and contended that even before instituting these cases, he issued a notice requesting the petitioner to join him and as she has not responded for notice, he filed petition for restoration of conjugal rights

before the Court at Nandyal and thereafter, wife filed all these cases. He further contended that he is an Archaka and it is difficult for him to travel from Nandyal to Guntur.

Heard both sides.

Both advocates submitted their arguments supporting the contentions of their respective clients.

I have perused the material papers including the counter filed on behalf of respondent-husband.

Admittedly, three cases are pending in Guntur Courts and respondent-husband is attending for all these three cases and defending them. Maintenance O.P. filed by wife and restitution of conjugal rights O.P. filed by respondent are to be tried together to avoid conflicting opinion as contentions and rival contentions of both parties raised in these two cases are one and the same.

Considering the same, I feel that the request of wife can be considered by dispensing with the presence of husband for each and every adjournment before Family Court, Guntur.

For these reasons, M.O.P.No.19 of 2014 is withdrawn from the Court of Principal Senior Civil Judge, Nandyal. Kurnool District and transferred to Family Court, Guntur, to be tried along with Family Court O.P.No.77 of 20014 in accordance with law.

Family Court Guntur shall dispense with the presence of respondent herein for each and every adjournment. However, he shall appear as and when his physical presence is necessary for any specific purpose.

Accordingly, this Transfer C.M.P. is ordered.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI KUMAR

Dated 24th March, 2015.

Dvs

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