

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.76 of 2015

ORDER:

This petition is filed to withdraw M.O.P.No.79 of 2014 from the file of Principal Senior Civil Judge, Proddatur and transfer the same to Principal Senior Civil Judge, Nandyal, Kurnool District for disposal in accordance with law.

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 06.03.2011 at Kadapa District and that she was harassed and necked out from the matrimonial house and on that she went to her parents house having no other alternative and later she filed a complaint before Judicial First Class Magistrate, Nandyal, which is registered as C.C.No.885 of 2012 and the same is pending adjudication. She further stated that she filed M.C.No.45 of 2012 before Special Magistrate, Nandyal and the same was allowed by order dated 12.11.2014, in which, she was granted maintenance of Rs.5,000/-, and respondent as a counter blast, filed M.O.P No.79 of 2014 before Principal Senior Civil Judge, Proddatur. She further stated that she is having old aged parents and she has to look after their welfare, who are suffering with old age ailments. She further stated that it is difficult for her to travel from Proddatur to Nandyal without any male assistance. She further stated that she apprehend danger to her life at Proddatur in the hands of respondent and his family members. She further stated that respondent is attending Nandyal Court in connection of criminal case and Execution Petition filed in maintenance case and no prejudice will be caused, if M.O.P.No.79 of 2014 is transferred from Proddatur to Nandyal.

3. Notice of this petition was ordered and petitioner was permitted to take out personal notice and as the same was not served, petitioner was permitted to take out notice of respondent through his advocate on record in the lower Court by registered post with acknowledgement due, and in compliance of the

same, a memo is filed stating that notice sent to advocate for respondent in the lower Court is duly served and postal acknowledgment is filed. In spite of service of notice to advocate of respondent in lower Court he neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. Considering the reasons stated in the affidavit and considering the convenience of wife, and also considering the fact that respondent is already attending Nandyal Court in connection of C.C.No.885 of 2012 and Execution Petition in M.C.No.45 of 2012, M.O.P.No.79 of 2014 is withdrawn from the file of Principal Senior Civil Judge, Proddatur and transferred to Principal Senior Civil Judge, Nandyal, Kurnool District for disposal 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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