

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.347 of 2014

ORDER:

This petition is filed to withdraw D.O.P.No.624 of 2012 from the file of Family Court, Nellore and transfer the same to Family Court, Ranga Reddy District for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of the petition, according to which, her marriage with respondent was solemnized in the year 2010 and she was blessed with a female child and the respondent/husband filed divorce O.P with false and untenable allegations and she has no male assistant to go to Nellore for defending the case and for that reason she prayed for transfer of O.P. from Nellore to Ranga Reddy.

3. Heard arguments.

4. Advocate for petitioner submitted that petitioner/wife filed M.C. before Ranga Reddy Court in January, 2015 and it is at S.R. stage and considering the convenience of wife O.P.No.624 of 2012 may be withdrawn from Family Court, Nellore and transfer the same to Family Court, Ranga Reddy.

5. Other side opposed the application and submitted that trial has already commenced in the O.P at Nellore, and PW.1 was already examined, and only after commencement of trial, this transfer O.P is filed. He further submitted that 498-A case filed by wife is also pending at Nellore and the contention of petitioner with regard to her convenience is not at all correct.

6. I have perused the material papers filed along with the transfer petition. Admittedly, 498-A case filed by wife is also pending at Nellore and divorce O.P. is already part heard and trial is

commenced.

7. Considering these aspects, I feel instead of transferring D.O.P.No.624 of 2012, this petition can be disposed of with a direction to Family Court, Nellore to dispose of divorce O.P. within a stipulated time by dispensing with the presence of wife for each and every adjournment.

7. Accordingly, the Transfer Miscellaneous Petition is disposed of with a direction to Family Court, Nellore to dispose of O.P No.624 of 2012 within six (06) months from the date of receipt of this order by dispensing with the presence of wife for each and every adjournment. However, she shall appear as and when the trial Court feels that her physical presence is necessary for any specific purpose. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 22.01.2015.
gvl