

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.560 of 2014

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ORDER:

This petition is filed to withdraw H.M.O.P.No.31 of 2012 from the file of Senior Civil Judge, Madanapalle, Chittoor District and transfer the same to Senior Civil Judge, Anantapur for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of the petition. According to her affidavit, she is staying at Bangalore and it is difficult for her to attend Madanapalle as she has to start one day earlier before the date of adjournment and she has to travel during night time and she has no assistance to accompany her to Madanapalle and that her brother underwent kidney transplantation and she cannot travel being a lady and considering these aspects she prayed for transfer of H.M.O.P.No.31 of 2012 from Madanapalle to Anantapur. She also stated that she cannot bear travelling expenditure to attend Madanapalle in connection of H.M.O.P.No.31 of 2012.

3. Other side has filed counter disputing the affidavit averments of petitioner and according to the counter-affidavit of respondent, the ground urged by wife is not genuine one as the distance from Bangalore and Madanapalle is only 120 KMs whereas the distance from Bangalore and Anantapur is 210 KMs and in fact Madanapalle is nearer to Bangalore. It is further contended that the respondent is suffering with backache, taking treatment of physiotherapy and advised for further treatment and it is difficult for him to undertake journeys and he has got old aged mother with old age ailments and he has to look after the welfare of his mother and for these reasons he opposed the petition.

4. Heard arguments.

5. I have perused the material papers filed along with the transfer petition and also counter. The main ground urged for transfer is that she cannot travel during night times from Bangalore to Madanapalle and that she has no assistance to escort her. She also contended that she cannot meet the travelling expenses. But the fact remains that she is a resident of Bangalore. As per her affidavit, she is residing at Bangalore at her parents' house and she has to attend Court from Bangalore. As rightly pointed out by the advocate for respondent Bangalore is nearer to Madanapalle than Anantapur. The very same difficulty of travelling by bus without assistance and meeting the travelling expenses would arise even for attending Anantapur Court. When petitioner is ready to undertake journey up to Anantapur from Bangalore, she can as well do that in attending Madanapalle for defending H.M.O.P.No.31 of 2012, particularly when Madanapalle is nearer to Bangalore than Anantapur distance wise.

6. As seen from the record, O.P. is of the year 2012, it is sufficiently old matter, therefore by directing the trial Court to dispose of O.P.No.31 of 2012 within fixed time, this O.P. can be disposed of.

7. Accordingly, the Transfer Miscellaneous Petition is dismissed directing the Senior Civil Judge, Madanapalle to dispose of H.M.O.P.No.31 of 2012 within four (04) months from the date of receipt of this order. No costs.

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

S. RAVI KUMAR, J

Date: 13.02.2015.

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