

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.342 of 2014

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ORDER:

This petition is filed to withdraw H.M.O.P.No.38 of 2014 from the file of Senior Civil Judge, Vizianagaram and transfer the same to Senior Civil Judge, Miyapur, Ranga Reddy District 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 was performed with respondent on 04.12.2011 at TTD Kalyana Mandapam, Vizianagaram and they both lived at Mumbai, she faced harassment in the hands of respondent, she was necked out from marital home and she has been residing with her brother at Kukatpally, who is looking after her welfare and that she filed a complaint under Section 498-A IPC and the same is registered as Crime No.152 of 2014 and respondent intentionally filed H.M.O.P. before Vizianagaram Court and it is difficult for her to travel from Hyderabad to Vizianagaram, which is 750 KMs and that she has no male assistance to escort her from Hyderabad to Vizianagaram for the purpose of defending H.M.O.P.No.38 of 2014. For these reasons, she prayed for transfer of H.M.O.P.No.38 of 2014 from Senior Civil Judge, Vizianagaram to Senior Civil Judge, Miyapur, Ranga Reddy District.

3. Respondent filed counter disputing the affidavit averments of petitioner/wife and contended that complaint and DVC are subsequent to filing of H.M.O.P.No.38 of 2014 and that petitioner/wife is presently residing at Jami village of Vizianagaram District and her address at Kukatpally is only temporary and that there are no grounds to consider the request of wife for transfer. He further contended that he is ready to bear travelling expenses including hotel charges at Vizianagaram for defending H.M.O.P.No.38 of 2014.

4. Heard both sides.

5. Both side advocates submitted their argument supporting the contentions

of their respective clients. I have perused the material papers including affidavit of petitioner and counter-affidavit of respondent and copy of H.M.O.P.No.38 of 2014. As seen from the record, in HMOP No.38 of 2014, the address of petitioner herein is shown as resident of Kukatpally Housing Board (KPHB) Colony, Hyderabad. As seen from the material, respondent herein is a resident of Mumbai and he has to attend the Vizianagaram Court from Mumbai. As rightly pointed out by advocate for petitioner even to go to Vizianagaram from Mumbai respondent herein has to cross Hyderabad, and in that way, it is convenient for him, if the case is transferred to Miyapur.

6. Considering the reasons stated in the affidavit and also considering the fact that respondent herein is a resident of Mumbai and he is also attending Miyapur Court in connection of DVC and 498-A case, I feel that the request of petitioner/wife can be considered by transferring HMOP No.38 of 2014 from Senior Civil Judge, Vizianagaram to Senior Civil Judge, Miyapur, Ranga Reddy District for disposal in accordance with law.

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.

S. RAVI KUMAR, J

Date: 17.04.2015.

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