

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P.NO.307 OF 2015

ORDER:

This petition is filed under Section 24 of the Code of Civil Procedure to transfer F.C.O.P.No.281 of 2015 from the file of the Family Court, Visakhapatnam, to the Family Court at Eluru, West Godavari District.

In spite of service of notice, the respondents did not choose to appear.

Heard the learned counsel for the petitioner and perused the material available on record.

The marriage of the first respondent was officiated with the petitioner on 11.02.2010 as per Christian rites and caste customs at Vadalakunta Village, Gopalapuram Mandal, West Godavari District. Immediately after the marriage, the petitioner jointed the first respondent to lead marital life. Out of the lawful wedlock, the petitioner and the first respondent were blessed with a son. The petitioner is facing trial in D.V.C.No.7 of 2014 on the file of the I Additional Chief Metropolitan Magistrate at Visakhapatnam. The respondent filed F.C.O.P.No.281 of 2015 on the file of the Family Court at Visakhapatnam seeking maintenance from the petitioner.

The contention of the learned counsel for the petitioner is that the respondent has been residing at Peddevam Village of West Godavari District but she filed D.V.C.No.7 of 2014 and F.C.O.P.No.281 of 2015 at Visakhapatnam with an ulterior motive to harass the petitioner. He further submitted that the petitioner filed counter in F.C.O.P.No.281 of 2015 raising the jurisdictional aspect.

If this Court expresses any opinion with regard to the residential address of the first respondent, more particularly in her absence, it may cause prejudice to her at the time of trial. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings,

more particularly to the wife and children. If the matter is transferred from Visakhapatnam to Eluru, it may cause untold hardship to the first respondent when compared to the petitioner. There are no grounds, much less valid grounds, to allow the petition.

As rightly pointed out by the learned counsel for the petitioner that being an R.T.C. employee, the petitioner may face much difficulty to attend the Family Court at Visakhapatnam on each and every date of adjournment. The petitioner may face some problem in order to get leaves on each and every date of adjournment. If the presence of the petitioner is dispensed with, no prejudice would be caused to the respondent.

Accordingly, the Transfer C.M.P. is disposed of directing the Family Court at Visakhapatnam to dispense with the presence of the petitioner, who is respondent in F.C.O.P.No.281 of 2015, on each and every date of adjournment. However, the petitioner shall appear before the Family Court, Visakhapatnam, as and when his presence is so required. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(T.SUNIL CHOWDARY, J)

15th September 2015
RRB