

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.736 of 2014

ORDER :

This petition is filed to withdraw F.C.O.P.No.85 of 2014 from the file of Family Court, Kurnool, and transfer the same to Senior Civil Judge, Kandukuru, Prakasham District.

2. Petitioner is wife and according to her affidavit, her marriage was performed with respondent-husband on 28.11.2013 at Kanigiri and due to harassment, she was constrained to file a criminal complaint against husband and his family members, which is registered as Crime No.115 of 2014 for offences under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act. She stated that husband filed F.C.O.P.No.85 of 2014 for restitution of conjugal rights before Family Court, Kurnool and it is difficult for her to attend Family Court, Kurnool as she is practicing as Medical Officer at Primary Health Centre, Guravajipeta Village, Kanigiri Mandal, Prakasham District. She also stated that she gave birth to a premature baby on 27.08.2014 and she has undergone cesarean operation at the time of delivery and it is difficult for her to travel 260 Km. from her place of residence for the purpose of defending F.C.O.P. filed by husband, therefore, she prayed for transfer of F.C.O.P.No.85 of 2014 from Family Court, Kurnool to Family Court, Ongole initially, but

subsequently, she filed C.M.P.M.P.No.1037 of 2014 to amend the prayer of Family Court Ongole to Senior Civil Judge, Kandukuru, which place is nearer to her place of residence.

3. Respondent-husband opposed the petition disputing the affidavit averments and contended that father of petitioner is a retired Sub Inspector of Police and has got influence with the police and the marital relation broke up due to the behaviour of petitioner and transfer is sought on baseless and unteanable allegations and the grounds urged for transfer are not permissible and that this petition is liable to be dismissed.

4. Heard both sides.

5. Both side advocates submitted their arguments in support of contentions of their respective clients.

6. I have perused the material papers filed along with transfer C.M.P. and also counter of respondent. As seen from the material, petitioner-wife gave complaint against respondent-husband and police registered a case, in which investigation is completed and charge sheet is filed and case has to be taken on file. Now, the main ground on which wife sought transfer is that she is working at Guravajipeta Village, Kanigiri Mandal, Prakasham District and she has got a small baby to look after. The main objection of husband is that Ongole is far away from Kurnool, but the wife now amended her prayer from Family Court, Kurnool to Senior Civil Judge, Kandukuru.

7. Considering the contentions and rival contentions of both parties, I feel that the request of wife can be considered by directing trial Court to dispose of F.C.O.P.No.85 of 2014 within a stipulated time by dispensing with the presence of husband for each and every adjournment.

8. Accordingly, F.C.O.P.No.85 of 2014 is withdrawn from Family Court, Kurnool, and transferred to Senior Civil Judge, Kandukuru, for disposal in accordance with law. The Senior Civil Judge, Kandukuru, shall dispose of the said O.P. within six months from the date of receipt of records by dispensing with the presence of respondent herein i.e., husband, for each and every adjournment. However, he shall appear as and when his physical presence is necessary.

9. Transfer C.M.P. is ordered, accordingly. No costs.

10. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

10th March 2015.

Note:

Issue C.C. in three days.

(b/o)

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