

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.607 of 2013

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ORDER:

This petition is filed to withdraw F.C.O.P.No.774 of 2013 from the file of Family Court, Visakhapatnam and transfer the same to Family Court, Karimnagar or to any Family Court at Hyderabad for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of transfer petition, according to which, her marriage with respondent was performed on 19.03.2008, and due to disputes, both of them are living separately. She contended that respondent/husband filed O.P for divorce before Family Court, Visakhapatnam and it is difficult for her being a lady to travel from Karimnagar to Visakhapatnam. She further stated that she is poor and she is depending on her parents and she cannot travel from Karimnagar to Visakhapatnam with a small child. She also expressed apprehension that respondent would put pressure on her to withdraw the criminal case, when she attends the Court at Visakhapatnam, and for these reasons, she prayed for transfer of F.C.O.P.No.774 of 2013 from Family Court, Visakhapatnam.

3. Respondent/husband filed counter disputing the affidavit averments of petitioner and objection raised in the counter is that he is a Central Government employee, working at Visakhapatnam, and it is difficult for him to travel from Visakhapatnam to Karimnagar, as he could not get frequent leaves for the purpose of attending the Court. He further contended that petitioner has got several relatives at Visakhapatnam and she can stay at Visakhapatnam whenever she attends the Court in connection of this O.P. He further contended that the grounds urged for transfer are not tenable and there are no bonafides in the application.

4. Heard arguments.

5. I have perused the material papers and also counter-affidavit filed by respondent/husband. Considering the contentions and rival contentions of both

parties and considering the employment of respondent at Visakhapatnam and also considering the convenience of wife, I feel that the request of petitioner/wife can be considered by transferring FCOP No.774 of 2013 from Family Court, Visakhapatnam to Family Court, Hyderabad by dispensing with the presence of husband i.e., respondent herein for each and every adjournment before Family Court, Hyderabad.

6. For these reasons, FCOP No.774 of 2013 is withdrawn from the file of Family Court, Visakhapatnam and transferred to Family Court, Hyderabad. Family Court, Hyderabad shall dispense with the presence of husband i.e., respondent herein for each and every adjournment. However, respondent herein shall appear as and when his physical presence is necessary for any specific purpose.

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: 20-04-2015

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