

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CMP. No.650 of 2014

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ORDER:

This petition is filed to withdraw M.O.P.No.33 of 2014 from Senior Civil Judge, Sompeta, Srikakulam and transfer the same to Family Court, Visakhapatnam.

2. Wife filed this application and according to her affidavit her marriage with respondent was performed on 21.06.2003 and, due to disputes and harassment, she is living separately. She filed F.C.O.P.No.469 of 2014 before the Additional Family Court, Visakhapatnam for recovery of money that was gifted to respondent as dowry and also filed F.C.O.P.No.315 of 2014 seeking maintenance and, as a counterblast, her husband filed M.O.P.No.33 of 2014 before the Senior Civil Judge, Sompeta, Srikakulam for restitution of conjugal rights. It is stated that, whenever she attended Sompeta in connection with this case, family members of respondent threatened her and her parents and that she is facing difficulty in attending Sompeta Court. For these reasons, she prayed for transfer of M.O.P.No.33 of 2014 from Senior Civil Judge, Sompeta, Srikakulam to Family Court, Visakhapatnam.

3. Husband filed counter affidavit disputing the affidavit averments of petitioner and contended that petitioner is attending Palasa Court in connection of some other cases and that he has life threat at Visakhapatnam and he was once attacked and he lodged a complaint with police for that incident. For these reasons, he opposed

for transfer from Sompeta to Visakhapatnam.

4. Heard both sides. Both sides submitted their arguments supporting respective contentions of their clients. I have perused the material papers, including counter affidavit and reply affidavit of parties.

5. Considering the contentions and rival contentions of both parties, and also considering the contention of wife, and the fact that respondent is already attending Visakhapatnam Court in connection with two other cases, I am of the view that the request of wife can be considered by dispensing with the presence of respondent herein as he is apprehending danger.

6. Accordingly, petition is allowed withdrawing M.O.P.No.33 of 2014 from Senior Civil Judge, Sompeta, Srikakulam and transferred to Additional Family Court, Visakhapatnam to be tried along with F.O.P.Nos.469 and 315 of 2014. The Additional Family Court, Visakhapatnam shall dispense with the presence of respondent herein for each and every adjournment. However, he shall appear as and when his physical presence is necessary for any specific purpose.

7. The petition is, accordingly, ordered. No order as to costs.

8. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE S. RAVI KUMAR

Date:17.04.2015

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