

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.778 of 2014

ORDER:

This petition is filed to withdraw F.C.O.P.No.135 of 2013 from Family Court-cum-V Additional District Judge, Tirupati and transfer the same to Family Court-cum-VI Additional District Judge, Kadapa for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of the petition, according to which, her marriage was performed with respondent on 18.10.2000 at Nagari, Chittoor District and due to harassment, she is living separately. She further stated that in order to harass her, respondent/husband filed restitution of conjugal rights petition before Tirupati Court by giving wrong address, knowing fully well that petitioner is residing at Kadapa. She further contended that she has no male assistance to escort her from Kadapa to Tirupati and she is not in a position to meet travel expenses from Kadapa to Tirupati. She further contended that the children are studying at Kadapa and she has to take care of her children and she cannot defend O.P.No.135 of 2013 at Tirupati, for these reasons, she prayed for transfer of the said O.P. from Tirupati to Kadapa.

3. Other side has not filed any counter disputing the affidavit averments of petitioner.

4. Heard arguments.

5. Advocate for petitioner submitted that respondent/ husband originally filed divorce O.P. before Kadapa Court and it was dismissed on merits and the appeal preferred by him was also dismissed and that husband filed O.P. for custody of children in Kadapa Court. She further submitted that 498-A case filed by wife is also pending in the

Magistrate Court at Kadapa. She further submitted that both the parties are residing at Kadapa, intentionally respondent/husband filed restitution of conjugal rights petition at Tirupati. She further submitted that respondent is an employee who was working at Delhi but now he is transferred to Kadapa and he is working there from May 2013, and it will be convenient for both parties, if the O.P.No.135 of 2013 is transferred to Kadapa.

6. Considering the reasons stated in the affidavit and submissions of advocate for petitioner and also considering the convenience of both parties, F.C.O.P.No.135 of 2013 is withdrawn from the file of Family Court-cum-V Additional District Judge, Tirupati and transferred to Family Court-cum-VI Additional District Judge, Kadapa for disposal in accordance with law.

7. Accordingly, the Transfer Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 23.01.2015

Note: C.C. on Tuesday

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