

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CMP.No.17 of 2014

Date:09.02.2015

Between:

Smt. ArasadaSmitha and
another.

..... Petitioner.

AND

Sanjay Samuel Krishnan

.....Respondent.

The Court made the following:

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CMP.No.17 of 2014

ORDER:

This petition is filed to withdraw O.P No.1416/2012 from Family Court, Ranga Reddy and transfer the same to Additional Family Court, Visakhapatnam to be tried along with FCOP No.119/2013.

2. Wife is the petitioner and according to her affidavit, their marriage was performed on 12-11-2010 at Visakhapatnam and after marriage, due to differences, both husband and wife are residing separately. She stated that she filed FCOP No.119/2013 before Additional Family Court, Visakhapatnam for maintenance and also D.V.C against the husband before Protection Officer, Visakhapatnam. She further stated that 498-A case is also filed against the husband and the same is pending at Visakhapatnam and he is attending Court at Visakhapatnam for all these cases. She further stated that she has no means to meet the travel expenses from Visakhapatnam to Hyderabad and she has no male assistance to escort her from Visakhapatnam to Hyderabad, therefore, considering the same, she sought for transfer of O.P filed by respondent from Ranga Reddy to Visakhapatnam Court.

3. Husband resisted the application on the ground that petitioner is visiting Hyderabad frequently and she has opened a locker at Hyderabad and she is operating the same and she has got relatives at Hyderabad and the present petition is filed only to harass the respondent/husband.

4. Heard both sides.

5. Both side Advocates submitted their arguments in support of pleadings of their respective parties.

6. Admittedly, maintenance case filed by wife, 498-A case filed by wife are pending before Courts at Visakhapatnam and husband is attending those Courts in connection of these two cases. According to Advocate for respondent, O.P filed by husband is at the stage of exparte evidence and according to Advocate for wife, petitioner is contemplating to file petition to set aside the exparte order and the same has to be considered. Considering these contentions and rival contentions, I feel that both the OPs filed by husband and wife have to be tried by one Court to avoid conflicting opinions, therefore, taking the convenience of wife into consideration, O.P.No.1416/2012 is withdrawn from Family Court, Ranga Reddy and transferred to Additional Family Court, Visakhapatnam to be tried along with FCOP No.119/2013. Additional Family Court, Visakhapatnam shall dispose of both OPs, within six months from the date of receipt of the records by dispensing with the presence of

respondent/husband for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose or directed by the trial Court.

7. With above direction, Tr.CMP is allowed. No costs

8. As a sequel, miscellaneous petitions, if any, pending in this Tr.CMP, shall stand disposed of.

JUSTICE S. RAVI KUMAR

Date:09.02.2015

mrh