

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.787 of 2015

ORDER:

This petition is filed to withdraw F.C.O.P.No.1839 of 2015 from the file of Family court, R.R. District at L.B. Nagar and transfer the same to Family Court, Rajahmundry, East Godavari District.

2. Wife filed this petition. According to her affidavit her marriage with respondent was performed on 19.03.2008 at Hotel Anand Regency in Rajahmundry and both of them lived jointly for sometime and thereafter she filed MC No.43 of 2014 and same is pending before IV Additional Junior Civil Judge, Rajahmundry and that she also filed DVC No.57 of 2015 on the file of VI Additional Judicial First Class Magistrate, Rajahmundry and respondent as a counterblast filed OP No.1839 of 2015 before Family court, R.R District. She contended that she was constrained to stay at her maternal uncle's house at Muramanda village, Kadiyam Mandal of East Godavari District and that she has no financial support to travel from Muramanda, Rajahmundry to Hyderabad which is at a distance of 500 KMs. She further stated that she is also apprehending danger in the hands of respondent. She stated that O.P pending before R.R. District has to be transferred to Family court, Rajahmundry by taking her convenience into consideration. She further stated that respondent is attending Maintenance and DVC cases filed by her at Rajahmundry and there will not be any prejudice for respondent.

3. Respondent filed counter disputing the affidavit averments of petitioner and he contended that he made several

requests to petitioner and her family members to send the petitioner to the matrimonial home to resume family life in Mumbai but petitioner refused to join. He further contended that about large group of 25 people from petitioner's side cornered him in a theatre complex and pressured him to settle the matter by paying money and they blocked him from leaving place. He further contended that he is fearing safety to his life in view of the above referred incident. He further contended that DVC and MC cases are filed with false allegations and family members of petitioner are pressurizing him to accept their terms, having disguised, he filed OP before Family court, R.R.District seeking dissolution of marriage. He further stated that he appeared in the month of November 2015 before IV Junior Civil Judge, Rajahmundry for M.C.No.43 of 2015 and petitioner accompanied by 3 persons including her uncle came there and surrounded him and fearing about their movement, he moved away from that place and he received intimidating threat from those persons. He stated that immediately he informed his counsel about the said incident and the counsel deputed his clerk to be with him till the case is adjourned and he was humiliated on that day till he left the court building. He further stated that even during subsequent hearings also the same attitude was continued. He further stated that he appeared on 2.2.2006 for DVC No.57 of 2015 before VI Additional Judicial First Class Magistrate, Rajahmundry, which was sent for Lok Adalat for mediation and that the Court appointed counselling mediator on 18.02.2016 and respondent appeared along with his parents and there he shocked to see petitioner accompanied by a large group of 15 persons and noticing that he went to the Court complex through a side entrance and sat in the Lok Adalat Court and petitioner along with her aunt came and sat behind the

respondent and started abusing him in filthy language and stated that they will be break his legs. He further stated that respondent's junior counsel came there in rescue of him and then they moved to a safer place i.e., court clerical staff room. He further stated that in view of the above referred incidents, he apprehend danger and it is not safe for him to visit Rajahmundry and that petition has to be dismissed.

4. Heard both sides.

5. Advocate for both parties submitted arguments supporting respective contentions of their clients. Advocate for respondent submitted that other than Rajahmundry respondent has no objection for transfer of the case either to Vijayawada or to Eluru.

6. Advocate for petitioner submitted that petitioner has some difficulty in attending Vijayawada and Eluru but failed to explain the actual difficulty.

7. As seen from the material, respondent on oath referred to certain incidents that took place during hearing of Maintenance case and DVC case and those incidents were not denied by way of any reply affidavit.

8. Considering these aspects, I am of the view that instead of transferring the case to Family court, Rajahmundry it can be transferred to any other nearer place. As Eluru is the nearest place to Rajahmundry, where Family Court exists, I am of the view that this case can be transferred to Family Court, Eluru, West Godavari District for disposal.

9. For the above reasons, F.C.O.P No.1839 of 2015 is withdrawn from Family Court, Ranga Reddy at L.B. Nagar and

transferred to Family Court, Eluru, West Godavari District for disposal in accordance with law.

10. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, if any pending in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 15-03-2016
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