

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.330 of 2014

ORDER:

This petition is filed to withdraw F.C.O.P.No.205 of 2014 from Judge, Family Court, City Civil Court, Secunderabad, and transfer the same to Senior Civil Judge, Shadnagar, Mahabubnagar District.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 10.05.2006 at Gudur Village of Kothur Mandal, Mahaboobnagar District and after giving birth to a son and daughter, who are 5 and 3 years respectively, respondent started harassing her and finally she was necked out from the house on 10.02.2012 and that she lodged a complaint with police, which is registered as Crime No.16 of 2012 and pending before Judicial First Class Magistrate, Shadnagar. She stated that her husband filed F.C.O.P.No.205 of 2014 for dissolution of marriage in Family Court, Secunderabad. She further stated that she is now taking shelter at her parents' house in Gudur Village of Kothur Mandal, Mahaboobnagar District and that she has no means or resources to meet the travelling expenditure from Gudur to Secunderabad as she is depending on her parents along with children and it is causing great hardship to her to travel from Gudur to Secunderabad in connection of this case and prayed for transfer of F.C.O.P.No.205 of 2014 from Secunderabad to

Shadnagar. She further stated that respondent-husband is attending for the criminal case pending at Shadnagar.

3. Respondent filed counter affidavit opposing the transfer and disputed the affidavit averments of petitioner and contended that he was compelled to file F.C.O.P.No.205 of 2014 before Family Court, Secunderabad and wife after service of notice engaged an advocate and when the matter is coming up for counter she filed this petition only to protract the case and that there are no bonafides in the transfer petition.

4. Heard both sides.

5. Considering the affidavit and counter-affidavit of both parties and considering the contentions and rival contentions of both parties, I feel that the request of wife can be considered for transfer of F.C.O.P.No.205 of 2014 from Secunderabad to Shadnagar by dispensing the presence of husband for each and every adjournment.

6. For these reasons, F.C.O.P.No.205 of 2014 is withdrawn from Judge, Family Court, City Civil Court, Secunderabad, and transferred to Senior Civil Judge, Shadnagar, Mahabubnagar District, for disposal in accordance with law. The Senior Civil Judge, Shadnagar, shall dispense with the presence of respondent herein i.e., husband for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

7. Accordingly, this transfer C.M.P. is ordered.

8. Miscellaneous petitions pending, if any, shall stand

closed.

25th April 2016.
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S. RAVI KUMAR, J