

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.753 OF 2015

Dated 8-3-2016

Between:

Kareena Parmar.

..Petitioner.

And:

Mithun Kumar.

..Respondent.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.753 OF 2015

ORDER:

This application is filed to withdraw F.C.O.P.No.265 of 2015 from Family Court, Nellore and transfer the same to Senior Civil Judge, Ramachandrapuram.

Wife filed this application and according to her affidavit, her marriage was performed on 12-6-2015 as per Hindu Rites and Caste Customs and that she joined matrimonial home with respondent and after knowing that respondent is affected with HIV, a dispute was raised and she was necked out from matrimonial home, since then she is residing at parent's home at Ramachandrapuram. She stated that respondent filed F.C.O.P.No.265 of 2015 for restitution of conjugal rights and she is residing at Ramachandrapuram with her parents and it is difficult for her to travel from Ramachandrapuram to Nellore for the purpose of defending this O.P. and that she cannot bear the travel expenses also. For these reasons, she prayed for transfer of O.P. from Nellore to Ramachandrapuram.

Respondent filed counter disputing affidavit averments of petitioner and contended that he never necked out petitioner from matrimonial house and she

voluntarily went to her parents' house to attend function, thereafter she did not come back. It is further contended that before marriage, she was informed about HIV and he denied other allegations. He further contended that Ramachandrapuram being the native place of petitioner, he has life threat at that place and if the case is transferred to Ramachandrapuram, he will be put to hardship.

Heard both sides.

Considering the contentions and rival contentions of both parties and without prejudice to the rights of both parties, I feel that O.P. can be transferred to a place other than Ramachandrapuram in view of the life threat expressed by the respondent.

Since there is a Family Court at Rajahmundry in East Godavari District which is connected by train from Nellore and nearer to Ramachandrapuram, I feel it appropriate to transfer the case to Family Court, Rajahmundry.

For these reasons, FCOP is withdrawn from Family Court, Nellore and transferred to Family Court, Rajahmundry at East Godavari District for disposal in accordance with law.

Accordingly, this Transfer C.M.P. is ordered.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

---

JUSTICE

S.RAVI KUMAR

Dated 8-3-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

-

-

TRANSFER C.M.P.No.753 OF 2015

Dvs