

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.40 of 2016

ORDER:

This petition is filed to transfer O.P.No.3 of 2016 from the file of Principal District Judge, West Godavari at Eluru, to Principal District Judge, Ranga Reddy, for disposal in accordance with law.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 29.05.2013 as per Christian rites and custom at Bhimavaram and after marriage they set up a family at A.S.Raju Nagar, Nizampet, Hyderabad, as the petitioner was working as Assistant Manager in Vijaya Bank, Kukatpally branch and they lived happily for some time. It is stated that subsequently, due to differences petitioner was necked out from the house in the month of September, 2014 and from that date she is living separately with her parents. She stated that she filed a complaint before the police and the same was taken as C.C.No.209 of 2015 on the file of IX Metropolitan Magistrate, Miyapur, Hyderabad, and it is pending for trial. She stated that respondent filed O.P.No.3 of 2016 before Principal District Judge, West Godavari at Eluru, under Indian Divorce Act and petitioner being employee in Vijaya Bank, Kukatpally branch, it is difficult for her to go to Eluru by travelling all the way from Hyderabad to defend and contest the O.P. at Eluru. She stated that she has no male assistance to accompany her

to go to Eluru as her father is working as Head Constable who cannot secure leave to accompany her. For these reasons, she prayed for transfer of O.P.No.3 of 2016 from the file of Principal District Judge, West Godavari at Eluru, to Principal District Judge, Ranga Reddy District.

3. Heard both sides.

4. Advocate for petitioner reiterated the affidavit averments of petitioner.

5. Advocate for respondent submitted that respondent is working as software Engineer in West Godavari District, it is equally difficult for respondent to travel all the way from Eluru to Ranga Reddy District. He further submitted that the marriage was performed in West Godavari District, therefore, the Principal District Court, Eluru, alone has got jurisdiction. He further submitted that respondent apprehending life threat at Hyderabad, which he stated in his legal notice dated 30.11.2015 and for these reasons, he opposed the petition. He further submitted that for any reason request of wife is considered, presence of respondent may be dispensed with for each and every adjournment as it is difficult for him to secure leave to attend the Court at Ranga Reddy.

6. I have perused the material papers. Admittedly, respondent is attending the Court at Miyapur in connection of C.C.No.209 of 2015, therefore, no prejudice would be caused if this O.P. is also transferred to Ranga Reddy Court. However, since the respondent contended

that he is also an employee and it is difficult for him to secure leave, I feel by dispensing with the presence of respondent/husband the O.P. can be transferred.

7. For these reasons, O.P.No.3 of 2016 is withdrawn from Principal District Judge, West Godavari and Eluru, and transferred to Principal District Judge, Ranga Reddy District, for disposal in accordance with law. The Principal District Judge, Ranga Reddy, shall dispense with the presence of husband i.e, respondent herein for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

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

9. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

30th March 2016.

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