

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.61 OF 2016

Dated 8-3-2016

Between:

Neelam Bhakta Markandeya Rao.

..Petitioner.

And:

Neelam Mary Suguna.

..Respondent.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.61 OF 2016

ORDER:

This application is filed to withdraw F.C.O.P.No.113 of 2014 from Family Court, Nellore and transfer the same to Family Court, Guntur.

Husband filed this application and according to his affidavit, marriage was solemnized on 27-8-2010 at Nellore, due to disputes, he filed O.P.No.187 of 2012 before Family Court, Guntur for decree of divorce and subsequently, that was transferred from Guntur to Nellore as per Transfer C.M.P. No.436 of 2013 orders dated 14-2-2014 and subsequently he appeared in Family Court, Nellore and there was a compromise proposal and as the petitioner herein could not meet the unlawful demands of respondent, the brother of respondent and his associates attacked him and caused injuries and threatened him to leave Nellore and afraid of it, he left Nellore and lodged a complaint at Guntur. For these reasons, he prayed for transfer of family Court F.C.O.P.No.113 of 2014 from Nellore to Guntur.

Heard both sides.

Advocate for petitioner reiterated the facts that are narrated in the affidavit of the petitioner and represented that as the petitioner was attacked by the respondent and her men, O.P. has to be transferred.

Advocate for respondent submitted that O.P. was originally before the Family Court, Guntur and on the request of wife, it is transferred to Nellore and the petitioner

filed this O.P. as if O.P. it is filed for the first time without asking for re-transfer. He further submitted that M.C. filed by wife is still pending before Family Court in F.C.O.P.No.305 of 2013 and C.C.No.547 of 2013 are also pending before Family Court and the petitioner herein is attending those cases and therefore, the allegation of threat and attack are not tenable.

I have perused the material papers including order of this court dated 14-2-2014. As rightly pointed out by advocate for respondent, Family Court O.P. pending on the file of Additional District Judge, Guntur was transferred to Family Court, Nellore for disposal along with Family O.P.No.305 of 2013 filed by wife for maintenance. When the O.P. is withdrawn with a specific direction to try along with Family O.P.No.113 of 2014, again bringing back O.P. filed by husband from Family Court Nellore to Gunturu court would render the earlier order ineffective. Further, when the petitioner is attending Nellore court in connection of criminal case and O.P. filed by wife, his contention that he has a threat there cannot be accepted.

For these reasons, I am of the view that the request made by husband is not reasonable and therefore, this Transfer C.M.P. is dismissed. No costs.

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

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