

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.667 of 2015

ORDER:

This petition is filed to withdraw divorce O.P.No.38 of 2014 from the file of Principal District Judge, Kurnool, and transfer the same to Court in Mahaboobnagar District having competent jurisdiction.

2. Husband filed this petition and according to his affidavit, his marriage with respondent was solemnized on 16.12.2004 as per Christian rites and customs and respondent left the matrimonial home without any intimation and did not return and stayed back at her mother's house in Kurnool and informed that she is no longer interested in living with him. He stated that the children are prosecuting their studies at Montessori English Medium, Shadnagar, Mahaboobnagar District, and he is also suffering with liver and kidney problem and taking treatment and that the doctors advised him not to travel for long places. He further stated that wife filed F.O.P.No.38 of 2014, M.C.No.35 of 2014 and D.V.C.No.60 of 2015 at Kurnool to harass him. He prayed for transfer of D.O.P.No.38 of 2014 from Principal District Judge, Kurnool, to any Court in Mahaboobnagar.

3. Respondent in spite of service of notice neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. As seen from the affidavit of petitioner, two cases have already pending at Kurnool filed by respondent

herein, for which petitioner herein is attending those two cases. It appears, petitioner herein filed transfer C.M.Ps. for transfer of maintenance case and D.V.C. case and those two petitions were dismissed as withdrawn as per order of this Court dated 09.12.2015 in Tr.C.M.P.No.270 of 2015 and 09.12.2015 in Tr.C.M.P.No.265 of 2015 respectively. Petitioner has not filed any material to support his version that doctors advised him not to travel for distance places and to take bed rest, he only filed the test reports which do not disclose any ailment as referred in the affidavit. When petitioner is attending Kurnool Court in respect of M.C.No.35 of 2014 and D.V.C.No.60 of 2015 his contention that the divorce O.P. has to be withdrawn from Kurnool Court to Mahaboobnagar Court on the ground of ill-health cannot be accepted. However, considering the reasons stated in the affidavit, at best his presence can be dispensed with before the Family Court, Kurnool, for each and every adjournment.

6. For these reasons, transfer C.M.P. is dismissed, directing Family Court, Kurnool, to dispose of divorce O.P.No.38 of 2014 as expeditiously as possible by dispensing with the presence of petitioner herein for each and every adjournment. However, petitioner shall appear as and when his physical presence is felt necessary for any specific purpose.

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

S. RAVI KUMAR, J

15th March 2016.

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