

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.434 of 2016

ORDER:

This application is filed to withdraw FCOP No.140 of 2016 from the file of III Additional Family Court, Malkajgiri, Ranga Reddy District, and transfer the same to Family Court, Guntur.

2. Wife filed this application. According to her affidavit, her marriage with respondent was performed on 21.10.2009 at Guntur as per Hindu rites and caste custom and her marriage was an arranged marriage. She stated that she joined respondent and from the beginning, respondent and his parents used to demand additional dowry and she was harassed and ill-treated. She stated that during September, 2013, she was necked out from the house and that she went to her parents house and she received notice from Family Court, Malkajgiri, Ranga Reddy District in O.P.No.140 of 2016 filed by her husband for dissolution of marriage. She stated that she is residing at Guntur with her parents and distance between Guntur and Hyderabad is 270 kilometres and it is difficult for her to travel alone and attend for each and every adjournment. She also stated that it will cause inconvenience and hardship to bring her father to Hyderabad. For these reasons, she prayed for transfer of FCOP No.140 of 2016 from the file of III Additional Family Court, Malkajgiri, Ranga Reddy District, and transfer the same to Family Court, Guntur.

3. Respondent filed counter disputing the affidavit averments of petitioner with regard to harassment and etc., and opposed the Transfer O.P. mainly on the ground that in the year 2013, he underwent major surgery twice and he is not in a position to travel anywhere. He further contended that he has to look after his parents as their health is not well and that petitioner threatened him that she will show him 'stars' if he comes to Guntur and, therefore, he prayed for

dismissal of the Transfer O.P.

4. Heard both sides. Both advocates submitted their arguments supporting the respective contentions of their clients.

5. Advocate for petitioner submitted that petitioner is working in Nagarjuna University and it is difficult for her to attend Court at Ranga Reddy District and as there is a Family Court at Guntur, therefore, O.P. may be transferred to Family Court, Guntur.

6. Advocate for respondent filed a case summary issued by Yashoda Hospital to support the contention of respondent that he underwent major surgery twice and is not in a position to travel anywhere.

7. Certificate filed by respondent along with counter would disclose that one Mr.Bharat Kumar underwent surgery for Fracture Patella of Left Knee two years prior to the date of issuance of certificate and that patient was admitted for further evaluation and management and he was advised certain precautions. No where it is stated in the said certificate that respondent is not fit to travel. Moreover, it is recorded in it that his condition is normal and being discharged in haemodynamically stable condition. Name of the respondent is Mr.G.Bharat Babu, whereas, certificate issued by Yashoda Hospital relates to Mr.Bharat Kumar. *Prima facie*, the same cannot be connected to respondent. Further, documents filed were not authenticated copies and they are only Xerox copies without any signature and without any stamp. Therefore, I am not inclined to accept those documents.

8. For these reasons and considering the reasons stated in the affidavit filed in support of this petition and also considering the convenience of wife, FCOP No.140 of 2016 is withdrawn from the file

of III Additional Family Court, Malkajgiri, Ranga Reddy District, and transferred to Family Court, Guntur, for disposal in accordance with law. The Family Court, Guntur, shall dispense with the presence of respondent/husband for each and every adjournment. However, he shall appear before Family Court, Guntur, as and when his physical presence is felt necessary for any specific purpose.

9. The petition is ordered accordingly. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

S. RAVI KUMAR, J

24th August, 2016.
Bvv