

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.210 of 2016

ORDER:

This petition is filed to withdraw O.P.No.2108 of 2015 from the file of Family Court, Ranga Reddy District, at L.B.Nagar and transfer the same to Family Court-cum-VII ADJ District Judge's Court, Eluru, West Godavari District.

2. Wife filed this petition. According to her affidavit, respondent herein filed O.P.No.2108 of 2015 before the Family Court, Ranga Reddy District purposefully and she is staying at her parent's house with her minor son and she has no financial capacity to travel from Eluru to Hyderabad to contest the OP filed by husband and she is depending on her parents including her son's education and the husband did not provide any maintenance to her. It is further stated that the distance between Eluru and Hyderabad is more than 400 K.M and it is difficult for her to travel with the child and that she is also apprehending danger if she travels alone from Eluru to Hyderabad. For these reasons, she prayed for transfer of OP from Hyderabad to Eluru.

3. Respondent filed counter disputing the affidavit

averments of the petitioner and contended that all the grounds are raised only for the purpose of seeking transfer of the case. It is further stated that life threat as contended is not correct and further stated that petition filed before Ranga Reddy Court is for restitution of conjugal rights and the entire cause of action arose at Ranga Reddy and the petitioner and the respondent never stayed at Eluru at any point of time and the petitioner intentionally shifted the child from one school to the other without intimation to the respondent herein. The other averments made in the affidavit are denied.

4. Heard both sides.

5. Advocate for respondent submitted that respondent is suffering from back pain and therefore, it is difficult for him to travel from Hyderabad to Eluru and medical certificate issued by Yashoda hospital is filed. According to it, he was advised to avoid travelling for three months.

6. Considering the medical certificate and considering the contentions of both parties and considering the convenience of wife, I am of the view that request of the wife can be considered by dispensing with the presence of husband for each and every adjournment at Eluru. For these reasons,

O.P.No.2108 of 2015 is withdrawn from the file of Family Court, Ranga Reddy District at L.B.Nagar and transferred to Family Court-cum-VII Additional District Judge's Court, Eluru, West Godavari District, for disposal in accordance with law. Family Court-cum-VII Additional District Judge's Court, Eluru, shall dispense with the presence of husband i.e., respondent herein for each and every adjournment. However, respondent shall appear as and when his physical presence is felt necessary for any specific purpose.

7. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, pending in this petition, if any, shall stand closed.

S. RAVI KUMAR, J

23rd June, 2016

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