

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.424 OF 2016

Dated 6-9-2016

Between:

Kunta Manasa.

..Petitioner.

And:

Kunta Kumaraswamy.

..Respondent.



HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.424 OF 2016

ORDER.

This petition is filed to withdraw O.P.No.60 of 2016 from Senior Civil Judge, Tenali and transfer the same to Senior Civil Judge, Peddapalli, Karimnagar District.

Wife filed this application and according to her affidavit, her marriage with respondent was performed on 15-8-2014, according to Hindu Rites and Custom at her parents house in Godavarikhani. She stated that she joined the respondent at Tenali and lived there till first week of October, 2015. She stated that in the first week of October, 2015, she went to her parent's house for Dussera Celebrations and respondent did not accompany her and thereafter, he ignored her and in spite of request of her parents, he did not come back to take her back. She stated that respondent filed O.P.No.60 of 2016 before Senior Civil Judge, Tenali for dissolution of marriage. She stated that she is staying at Godavarikhani and it is difficult for her to travel from Godavarikhani to Tenali to defend O.P. filed by husband. She further stated that she has no assistance of male member to go to Tenali for each and every adjournment. She further contended that it is difficult for her to meet travelling expenses for attending court at Tenali and that she has also got threat from respondent and his family at Tenali, for these reasons, she prayed for transfer of O.P. from Tenali to Peddapalli, Karimnagar District.

Respondent filed counter disputing affidavit averments of the petitioner and contended that he has a threat to his life from the petitioner and the second respondent herein for which he has already made a complaint before Judicial First Class Magistrate, Tenali. He further stated that if the O.P. is transferred to Peddapalli, there is imminent danger to his life and opposed transfer of O.P. He further contended that parents of petitioner are hale and healthy and they can accompany the petitioner to Tenali and her presence is not necessary for each and every adjournment and her presence may be required only at the time of cross examination, therefore, prayed for dismissal of the application.

Heard both sides.

Advocate for petitioner submitted that in view of the threat expressed by respondent, by taking convenience of wife into consideration, O.P. may be transferred to Karimnagar Family Court which would be convenient to both parties.

Advocate for respondent submitted that the second respondent with whom the allegation of adultery is made is a resident of Karimnagar, therefore, respondent opposed for transfer of O.P. even for Karimnagar and he submitted that a middle place for Hyderabad may be considered for transfer by taking convenience of both parties into consideration.

I have perused the material papers including affidavit and counter affidavit of parties.

Considering the submissions of both parties and also considering the convenience of both parties, I deem it appropriate that Family Court, Warangal, would be appropriate and convenient to both parties.

For these reasons, O.P.No.60 of 2016 is withdrawn from Senior Civil Judge, Tenali and transferred to Family Court, Warangal for disposal in accordance with law.

Petition is ordered accordingly. No costs.

As a sequel to the disposal of this petition, Miscellaneous Petitions, if any, pending, shall stand dismissed.

Dated 6-9-2016.

Dvs.



JUSTICE S.RAVI KUMAR

HONOURABLE SRI JUSTICE S.RAVI KUMAR



TRANSFER C.M.P.No.424 OF 2016

Dated 6-9-2016

Dvs