

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.229 OF 2016

Dated 30-6-2016

Between:

R.Nirmala.

..Petitioner.

And:

R.Prabhakar Chakravarthy.

..Respondent.

-

-

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.229 OF 2016

ORDER:

This application is filed to withdraw O.P.No.177 of 2015 from Family Court, Ranga Reddy District at L.B.Nagar to Family Court, Nalgonda.

Wife filed this application. According to her affidavit, marriage was solemnized in the year 2007 and thereafter disputes arose and they are living separately. She stated that respondent earlier filed divorce petition in the year 2010 and that was transferred to Nalgonda Family Court, subsequently, it was dismissed for non-prosecution and again he filed present O.P. with same allegations for the same relief and when she attended for adjournments with her mother, respondent with some unknown persons came to her and warned her to withdraw case filed at Nalgonda therefore, she feels unsafe. She further stated that in view of apprehension and for her convenience, she sought transfer of O.P. from Family Court, Ranga Reddy District to Family Court, Nalgonda.

Respondent husband filed counter disputing affidavit averments of petitioner and he contended that there is life threat for him in the hands of petitioner at Nalgonda as she got wide contacts with antisocial

elements. It is further stated that no other cases are pending at Nalgonda and only enforcement petition is pending.

Heard both sides.

Both sides submitted their arguments supporting contentions of their respective clients.

Advocate for respondent opposed the transfer and stated that as on today, no cases are pending at Nalgonda and he advised respondent to pay maintenance amount for which enforcement petition is filed. He further submitted that as respondent has got life threat, O.P. may be transferred to any place other than Nalgonda.

Advocate for petitioner submitted that respondent herein filed appeal before District Court against orders passed in D.V.C. and attending Nalgonda in connection of that case therefore, contention of life threat is not tenable. He submitted that petitioner being lady, it is difficult for her to attend any other place other than Nalgonda. I have perused material even earlier order of this court dated 19th April, 2012. No doubt, the said order is exparte order but the fact remains as the respondent herein in spite of notice did not appear and contest that application that order was passed. It is also clear from the record that after transfer of case, respondent herein did not prosecute that O.P. and long thereafter, he again filed present petition for the same relief.

Considering the contentions and rival contentions of both parties and also considering the apprehension expressed by the respondent husband, I feel that request of wife can be considered by dispensing with the presence of respondent husband before Family Court for each and every adjournment.

For these reasons, O.P. is withdrawn from Ranga Reddy District L.B.Nagar and transferred to Family Court Nalgonda for disposal in accordance with law. Family

Court, Nalgonda shall dispense with the presence of the respondent herein for each and every adjournment, however, he shall appear as and when his physical presence is felt necessary for any specific purpose. Family court Nalgonda shall dispose of the case as expeditiously as possible preferably within six months from the date of receipt of records.

Accordingly, this petition is ordered. No costs.

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

JUSTICE

S.RAVI KUMAR

Dated 30-6-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

-
TRANSFER C.M.P.No.229 OF 2016

Dated 30-6-2016

Dvs