

HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.648 OF 2015

Dated 24-2-2016

Between:

_____A.Sony.

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_____...Petitioner.

And:

Cemala Samson Pratap.

_____...

Respondent.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

TRANSFER C.M.P.No.648 OF 2015

ORDER:

This petition is filed to withdraw O.P.No.1039 of 2015 from Additional Family Court, City Civil Court, Hyderabad and transfer the same to Family Court, Kurnool.

Wife filed this application. According to her affidavit, her marriage was solemnized on 9-8-2013 as per Christian Rites and Customs at Kurnool and both of them lived happily for sometime at Hyderabad and thereafter, due to differences and as there was no change in the attitude of respondent, as she was driven out from the matrimonial home, having no alternative, she took shelter at her parent's house, Kurnool. She stated that respondent-husband filed O.P.No.1039 of 2015 before Additional Family Court, Hyderabad in order to harass her and it is difficult for her to travel 210 K.M. from Kurnool to defend O.P. by spending huge amount. She further stated that respondent-husband threatened her with dire

consequences whenever she attended to represent divorce petition. She also stated that she became overburdened to her aged parents and it is difficult for her to come to Hyderabad from Kurnool and sought for transfer of O.P. from Additional Family Court, Hyderabad to Family Court, Kurnool.

Respondent filed counter disputing affidavit averments of the petitioner and contended that balance of convenience is more in favour of respondent and it would be undue hardship to respondent if O.P. is transferred from Family Court, Hyderabad to Kurnool. It is further contended that petitioner is employee in private hospital and earning more than Rs.10000/-per month and the respondent is physically challenged suffering from Orthopedic Deformity of right hand and his job at Hyderabad is only temporary with limited leaves and it is difficult for him to attend Kurnool.

Heard arguments.

Considering contentions and rival contentions of both parties as referred in their pleadings, I am of the view that request of the wife can be considered by transferring O.P.No.1039 of 2015 from Hyderabad to Kurnool by directing the Family Court, Kurnool to dispense with the presence of husband for each and every adjournment in view of his physical deformity pleaded and his job with limited leaves.

For these reasons, O.P.No.1039 of 2015 is withdrawn from Additional Family Court, Hyderabad and transferred to the Family Court Kurnool for disposal in accordance with law. Family Court, Kurnool shall dispose of O.P.No.1039 of 2015 as expeditiously as possible and shall dispense with the presence of respondent-husband for each and every adjournment. However, he shall appear as and when

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