

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.30 of 2016

ORDER:

This petition is filed to withdraw O.P.No.85 of 2015 from Senior Civil Judge, Siricilla, Karimnagar District and transfer the same to Senior Civil Judge, Siddipet, Medak District.

2. Wife filed this application. According to her affidavit, her marriage with respondent was performed on 18.04.2008 at Hanuman Temple Kalyana Mandapam, Kattarampur, Karimnagar Town. After her marriage, the petitioner and respondent lived together for two years and male child was born, who was named as Dheeraj and after that, disputes arose and she was necked out from the house and that she went back to her parents' house and living there. She stated that she lodged a complaint with Siddipet police and the same is registered as Crime No.398 of 2015 and pending before Judicial First Class Magistrate, Siddipet. She stated that respondent filed divorce petition i.e. O.P.No.85 of 2015 on all untenable grounds and she being a lady, it is difficult for her to go to Siricilla for defending O.P. along with her minor son, who is now aged about 7 years, who is going to school. She stated that she is a poor lady and depending on her mother, who is a widow and there are no male persons to look after her. For these reasons, she prayed for transfer of O.P. from Senior Civil Judge, Siricilla, Karimnagar District to Senior Civil Judge, Siddipet, Medak District.

3. Respondent filed counter affidavit disputing affidavit averments of petitioner and contended that as the distance between Siricilla and Siddipet is 30 Kms, no prejudice would be caused even if the proceedings are continued at Siricilla.

4. Heard both sides.

5. Advocate for the petitioner submitted that petitioner has also life threat at Siricilla, which was reflected in her complaint given to the police for the offence under Section 498-A IPC.

6. Advocate for respondent submitted that as distance between two places is hardly 30 Kms, no prejudice would be caused even if the proceedings are continued at Siricilla.

7. Perused material papers including affidavit and counter affidavit of both parties, without prejudice to the contentions and rival contentions of both parties, I feel that the request of the wife can be considered in view of life threat, she expressed in her complaint dated 17.12.2015.

8. For the above reasons, O.P.No.85 of 2015 is withdrawn from Senior Civil Judge, Siricilla, Karimnagar District and transferred to Senior Civil Judge, Siddipet, Medak District for disposal, in accordance with law.

9. Accordingly, the Transfer Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 14-03-2016
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DATED: 14.03.2016

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