

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.21 of 2016

ORDER:

This petition is filed to withdraw O.P.No.94 of 2015 from the file of VII Additional District Judge, Eluru and transfer the same to Family Court, Ranga Reddy District at L.B. Nagar.

2. Wife filed this petition. According to her affidavit, her marriage was solemnized with respondent on 27.08.2008 at CSI Church, Eluru, West Godavari District and after marriage, they lead marital life at Humayun Nagar. Thereafter due to disputes and quarrel that took place on 16.04.2010 they vacated the rented house at Humayun nagar and thereafter, respondent has not taken any house to set up family, but respondent sent a legal notice with false and frivolous allegations, for which, petitioner sent a suitable reply. While the matter stood thus, O.P.No.94 of 2015 was filed before VII Additional District Judge, Eluru for dissolution of marriage even though respondent is residing at Hyderabad in order to harass her. She stated that it is difficult for her to travel from Hyderabad to Eluru for the purpose of defending the said O.P. and when respondent is also residing at Hyderabad, the very purpose of filing of this O.P. is only to harass her, therefore she sought transfer of O.P.No.94 of 2015 from Family Court, Eluru to Family Court, Ranga Reddy.

3. Respondent has not filed any counter disputing the affidavit averments of petitioner.

4. Heard both sides.

5. Advocate for petitioner submitted that since respondent/husband is also residing at Hyderabad no prejudice will

be caused to respondent, if the O.P is withdrawn from Eluru and transferred to Ranga Reddy.

6. Advocate for respondent submitted that the matter is likely to be settled and represented petition may be decided on merits.

7. As seen from the record, O.P. is filed for divorce. Respondent herein has shown his address as resident of Rajiv Gruha Kalpa, Vambay Colony, Laxmiguda, Rajendranagar Mandal, R.R.District, but O.P.No.94 of 2015 is filed at Eluru as the marriage was solemnized at Eluru. Since both husband and wife are residing in Ranga Reddy area, no prejudice would be caused to respondent/husband, if O.P. is transferred from Eluru to Ranga Reddy.

8. Considering these aspects, O.P.No. 94 of 2015 is withdrawn from the file of VII Additional District Judge, Eluru and transferred to Family Court, Ranga Reddy District at L.B. Nagar for disposal in accordance with law.

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

S. RAVI KUMAR, J

Date: 17-02-2016

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