

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.778 of 2015

ORDER:

This petition is filed to withdraw O.P.No.1557 of 2015 from the file of Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to Senior Civil Judge, Gadwal, Mahabubnagar District.

2. Wife filed this petition contending that her marriage with respondent was performed on 20.03.2014 as per Hindu rites and caste custom and thereafter due to disputes she is residing at her parents' house and she filed a case under Section 498A IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961, which was registered as FIR No.275 of 2015 on the file of Gadwal Police Station, Mahabubnagar and also filed a case under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is numbered as DVC No.9 of 2015 on the file of Judicial Magistrate of First Class Protection of Women from Domestic Violence Act, 2005 at Gadwal, Mahabubnagar District and respondent herein is attending both the cases along with his parents and other accused. She further stated that only to harass her respondent filed OP before Family Court, Ranga Reddy and she being a lady she cannot afford to travel from her native place to Ranga Reddy for each and every adjournment to defend O.P. filed by husband. She further stated that respondent and his family members are highly influential persons and they are all permanent residents of Alampur and on these grounds, she prayed for transfer of OP No.1557 of 2015 from Family Court, L.B. Nagar to Senior Civil Judge, Gadwal, Mahabubnagar District.

3. Respondent filed counter disputing the affidavit averments of petitioner and he contended that petitioner in order to harass him, she and her family members filed cases at Gadwal Court after filing of this OP. He further contended that during the counselling by police before registering FIR, petitioner and her parents along with her relatives tried to beat the respondent and with great difficulty they escaped from their hands and they apprehend danger. On these grounds, he opposed transfer of OP from L.B.Nagar Court to Gadwal.

4. Heard both sides.

5. Admittedly, respondent herein is attending Gadwal Court in connection of criminal case and DVC case. It is also clear from the record that respondent is an employee working at Hyderabad and according to the submission of advocate for respondent it is difficult for respondent to get frequent leaves for the purpose of attending this case, if it is transferred to Gadwal Court.

6. Considering the contentions and rival contentions of both parties, instead of transferring the case to Gadwal Court, I deem it appropriate to transfer it to Family Court in Mahabubnagar District, as Family Court is at Mahabubnagar. Therefore, O.P No.1557 of 2015 is withdrawn from Family Court, L.B. Nagar and transferred to Family Court, Mahabubnagar for disposal in accordance with law. Family Court, Mahabubnagar shall dispense with the presence of husband i.e., respondent herein for each and every adjournment. However, respondent herein shall appear as and when his physical presence is necessary before Family Court for any specific purpose.

7. Accordingly, this Transfer Civil 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: 16-03-2016
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