

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.643 of 2015

ORDER:

This petition is filed to withdraw O.P.No.696 of 2015 from the file of Family Court, Vijayawada and transfer the same to Family Court, Ranga Reddy District at L.B. Nagar.

2. Petitioner/wife filed this petition. According to her affidavit, her marriage was performed with respondent on 11.02.2002 at Vijayawada as per Christian rites and customs and the marriage was also registered at Marriage Registration office, Vijayawada. She stated that due to the ill-treatment, she is now living separately with her children at Ranga Reddy and she also filed DVC No.15 of 2007 before II Metropolitan Magistrate, Cyberabad, Ranga Reddy and when respondent failed to pay maintenance ordered in DVC, she filed a petition for arrears and those petitions are pending before II Metropolitan Magistrate, Cyberabad, Ranga Reddy for consideration and the said O.P.No.696 of 2015 is filed by respondent as a counter-blast. She stated that she is facing lot of inconvenience to appear before Vijayawada Court for each and every adjournment. She further stated that respondent is working as Head Master in Govt. Zilla Parishad High School and that she has no means to meet the travelling expenses, for these reasons, she prayed for transfer of O.P from Vijayawada to Ranga Reddy.

3. Respondent did not file any counter disputing the affidavit averments of petitioner.

4. Heard both sides.

5. Advocate for petitioner submitted that respondent herein is attending II Metropolitan Magistrate, Cyberabad, Ranga Reddy in connection of DVC No.15 of 2007 and the connected petitions are posted to 24.02.2016. He further submitted that maintenance ordered by II Metropolitan Magistrate was not paid by respondent and petitioner is facing much financial problems and it is difficult for her to travel from Ranga Reddy to Vijayawada for defending O.P No.696 of 2015. He further stated that no prejudice would be caused to respondent as he is already attending Ranga Reddy Court in connection of DVC No.15 of 2007.

6. Advocate for respondent submitted that respondent is working as Head Master in Zilla Parishad High School in a remote village near Nuzvid and it is difficult for him to get leave for each and every adjournment of the case to come to Ranga Reddy. He submitted that petitioner has not given any valid reasons for transfer of O.P from Vijayawada to Ranga Reddy.

7. Considering the submissions of both sides and considering the affidavit of petitioner/wife filed in support of the petition, I feel that the request of petitioner/wife can be considered by transferring O.P.No.696 of 2015 from Family court, Vijayawada to Family Court, Ranga Reddy at L.B. Nagar by dispensing with the presence of husband i.e., respondent herein for each and every adjournment before Family Court, Ranga Reddy District at L.B. Nagar.

7. For these reasons, OP No.696 of 2015 is withdrawn from the file of Family Court, Vijayawada and transferred to Family Court, Ranga Reddy District at L.B. Nagar. Family Court, Ranga Reddy, shall dispose of O.P. No.696 of 2015, as expeditiously, as possible by dispensing 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.

8. 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: 17-02-2016

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