

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.250 of 2016

ORDER:

This application is filed to withdraw O.P.No.5 of 2016 from the file of Senior Civil Judge, Adilabad, and transfer the same to Court of Senior Civil Judge, Bodhan.

2. Wife filed this application. According to her affidavit, her marriage with respondent was solemnized on 06.06.2010 and during their wedlock, a male child was born and is now six years old. She stated that initially, she was looked after well and thereafter, she was subjected to cruelty and as respondent has not changed his attitude and repeated the harassment, she was taking shelter at her parents house. She stated that respondent filed O.P. before Court of Senior Civil Judge, Adilabad, which is located at a distance of 230 kilometres from her place of residence. She stated that she has lodged a compliant at Madnoor Police Station and the same was registered as FIR No.37 of 2016. She stated that she has also filed a Domestic Violence Case before Judicial Magistrate of First Class, Bichkonda, and respondent is attending for these two cases. For these reasons, she prayed for transfer of O.P.No.5 of 2016 from the file of Senior Civil Judge, Adilabad, to Court of Senior Civil Judge, Bodhan.

3. Respondent filed counter disputing all the affidavit averments of petitioner and contended that he has a life threat at Bichkonda and Bodhan and opposed for transfer of O.P. He stated that counter is already filed in Divorce petition and with regard to C.C. pending before Court at Bichkonda, this Court already granted stay and that he is contemplating to move transfer of that case. For these reasons, he opposed the application and prayed for dismissal of O.P.

4. Heard both sides. Both sides submitted their arguments

supporting respective contentions of their clients. I have perused material papers including the affidavit of petitioner and counter affidavit of respondent.

5. Considering the contentions and rival contentions of both parties and also life threat expressed by respondent at Bichkonda and Bodhan, without prejudice to rights and contentions of both parties, I deem it appropriate that O.P. pending before Senior Civil Judge, Adilabad, can be transferred to Family Court, Nizamabad, for convenience of both parties.

6. For these reasons, O.P.No.5 of 2016 is withdrawn from the file of Senior Civil Judge, Adilabad, and transferred to Family Court, Nizamabad, for disposal in accordance with law.

7. The petition is ordered accordingly. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

S. RAVI KUMAR, J

29th August, 2016.
Bvv