

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.287 of 2014

ORDER:

This petition is filed to withdraw O.P.No.23 of 2014 from the file of III Additional Senior civil Judge, Kakinada, East Godavari District and transfer the same to any competent Court at Visakhapatnam.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 19.11.1993 at Balaji Nagar, Visakhapatnam, as per Hindu rites and caste custom and due to disputes they are living separately. She stated that she filed O.P.No.1329 of 2012 before Family court, Visakhapatnam seeking dissolution of marriage and later respondent filed O.P.No.23 of 2014 before III Additional Senior Civil Judge, Kakinada for restitution of conjugal rights. She stated that O.P. filed by husband has to be withdrawn from Kakinada and transferred to Visakhapatnam, as she is facing hardship in attending the Court at Kakinada.

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

4. Heard arguments.

5. Advocate for petitioner submitted as both the cases have to be tried by one Court and since application filed by wife is first in point of time, O.P. filed by husband at Kakinada may be transferred to Family Court, Visakhapatnam.

5. Advocate for respondent submitted that both the petitioner and respondent are employees and wife is placed in a

better position than the husband and husband/respondent has to look after mentally retorted brother and old aged mother and it will be difficult for him to travel from Kakinada to Visakhapatnam.

6. Considering the submissions of both sides, I feel it appropriate to withdraw O.P.No.23 of 2014 from III Additional Senior Civil Judge, Kakinada, which is filed later, to Family Court, Visakhapatnam to be tried along with O.P.No.1329 of 2012. Since the respondent is an employee, Family Court, Visakhapatnam shall dispense with the presence of husband i.e., respondent herein for each and every adjournment. However, respondent shall appear as and when his physical presence is felt necessary for any specific purpose.

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

S. RAVI KUMAR, J

Date: 15-06-2016.

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