

**THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

**Tr.CMP. No.636 of 2015**

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**ORDER:**

This application is filed to withdraw F.C.O.P.No.120 of 2015 from Family Court, Nellore and transfer the same to Court of Senior Civil Judge, Srikalahasti, Chittoor District.

2. Wife filed this application. According to her affidavit, her marriage with respondent was solemnized on 01.08.2012 and they were blessed with a female child on 19.01.2013. It is stated that respondent left her at her parents house at Srikalahasti and thereafter did not come back and filed petition under Section 9 of the Hindu Marriage Act with baseless and untenable allegations. It is stated that respondent is a resident of Chennai and working there and O.P. is filed at Nellore only to harass her. It is stated that she is working as Assistant lecturer at Yogananda Institute of Science and Technology, Srikalahasti and that she has to look after her two year old daughter and that it will be difficult for her to go to Nellore from Srikalahasti for every adjournment. It is stated that Srikalahasti is nearer to Chennai rather than Nellore and, therefore, it is convenient to respondent also. For these reasons she prayed to transfer the above O.P. from Family Court, Nellore to Court of Senior Civil Judge, Srikalahasti, Chittoor District.

3. Respondent filed counter disputing the affidavit averments of the petitioner. He contended that petitioner did not intentionally join him in spite of several requests as she did not

agree to join him, there was no alternative but file the petition for restitution of conjugal rights. It is stated that marriage was solemnized at Nellore and the Family Court, Nellore has territorial jurisdiction and that convenience of parties is not a ground and opposed the application.

4. Heard both sides.

5. As seen from contentions and rival contentions, both petitioner and respondent are employees working at different places. Admittedly, child is with wife and Srikalahasti is nearer to Chennai than Nellore.

6. Considering the same and also considering the convenience of wife, her request for transfer is considered.

7. Accordingly, F.C.O.P.No.120 of 2015 is withdrawn from Family Court, Nellore and transferred to Court of Senior Civil Judge, Srikalahasti, Chittoor District, for disposal, in accordance with law. Learned Senior Civil Judge, Srikalahasti, Chittoor District shall dispense with the presence of respondent herein i.e. husband for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary.

8. The petition is, accordingly, ordered. No order as to costs.

9. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

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**JUSTICE S. RAVI KUMAR**

Date:08.07.2016

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