

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P. No.482 of 2014

ORDER:

This petition is filed to withdraw O.P.No.307 of 2013 from the file of Family Court, Secunderabad, and transfer the same to Family Court, Nizamabad.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 24.06.2010 at Gollapalli Village, Dichipally Mandal, Nizamabad District, as per Hindu rites and custom and after marriage she was happy for some time and thereafter she was tortured both mentally and physically by respondent and his family members. She stated that she was not allowed to enter into the matrimonial house and having no other alternative she is constrained to stay at her parents' house at Nizamabad. She further stated that she gave complaint to Dichpally police and the same was registered as F.I.R. and thereafter charge sheet was filed, which is numbered as C.C.No.669 of 2013 pending before III Additional Judicial First Class Magistrate, Nizamabad. She stated that respondent filed O.P.No.307 of 2013 for restitution of conjugal rights with false and baseless allegations and it is difficult for her to travel from Nizamabad to Secunderabad along with three years old baby to defend the said O.P. She further stated that she has no source of income to bear the travelling expenses

from Nizamabad to Secunderabad and as respondent is already attending the criminal case at Nizamabad, it is necessary to transfer O.P.No.307 of 2013 from Family Court, Secunderabad to Family Court, Nizamabad.

3. This Court permitted the petitioner to take notice to respondent through his advocate on record in the lower Court by registered post with acknowledgment due and file proof of service as notice addressed to respondent was returned twice with endorsement 'insufficient address'. In compliance of the said order, petitioner sent notice to advocate on record, which was duly served on him on 21.06.2016 as per the memo filed along with postal acknowledgment. In spite of that neither respondent is appeared in person nor represented through any advocate.

4. Heard advocate for petitioner.

5. Considering the reasons stated in the affidavit and considering the convenience of wife and the fact that criminal case is pending before Nizamabad Court and respondent is attending to the said case, O.P.No.304 of 2013 is withdrawn from Family Court, Secunderabad, and transferred to Family Court, Nizamabad, for disposal in accordance with law.

6. Accordingly, this transfer C.M.P. is ordered.

7. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

30th June 2016.

mar