

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.776 of 2015

ORDER:

This petition is filed to withdraw O.P.No.1459 of 2014 from Family Court, Ranga Reddy District, and transfer the same to Senior Civil Judge, Nalgonda.

2. Wife filed this petition and according to her affidavit her marriage with respondent took place on 15.03.2004 at Deverkonda Village and Mandal, Nalgonda District and after giving birth to two children, respondent started ill-treating her and that she was necked out from the matrimonial home on 10.02.2003 and thereafter she filed O.P.No.105 of 2013 before Senior Civil Judge, Nalgonda, for restitution of conjugal rights and respondent filed O.P.No.1459 of 2014 for dissolution of marriage. She stated that she is living at Deverkonda with her parents and the distance between Deverkonda and Ranga Reddy is about 120 km. and she has to incur huge sum towards travelling expenses and it is difficult for her to attend the Court at Ranga Reddy for each and every date of hearing. For these reasons, she prayed for transfer of O.P.No.1459 of 2014 from Family Court, Ranga Reddy, to Senior Civil Judge, Nalgonda, to be tried along with O.P.No.105 of 2013.

3. Respondent-husband filed counter denying the allegations including the date of marriage and stated that marriage was on 15.03.2001 but not 15.03.2004. He

further denied allegation of ill-treatment attributed towards him. He stated that children are with him and he is taking care of the children and he has to drop them to school every day and he is working in a jewellery shop at Charminar and if he do not attend to the work regularly he will not get wages in which case it is difficult for him to maintain the children. He further stated that it is also difficult for him to attend the Court at Nalgonda as he is a private employee, on these grounds he opposed the petition.

4. Heard both sides.

5. Both sides submitted their arguments supporting the respective contentions of their clients.

6. Admittedly, O.P.No.105 of 2013 filed by wife for restitution of conjugal rights is pending before Senior Civil Judge, Nalgonda, which is filed earlier in point of time. The only objection of husband is that he is a private employee and if he do not attend to work regularly it would be difficult for him to maintain the children and also to attend the Court at Nalgonda as he has to drop the children at School everyday. As rightly pointed out by advocate for petitioner presence of husband is not necessary for each and every adjournment before Senior Civil Judge, Nalgonda, unlike in a Family Court. However, since respondent is expressing difficulty in attending the Court at Nalgonda, I am of the view by dispensing with the presence of respondent-husband for every adjournment

before the Senior Civil Judge, Nalgonda, the request of wife for transfer of O.P.No.1459 of 2014 can be considered.

7. Accordingly, O.P.No.1459 of 2014 is withdrawn from Family Court, Ranga Reddy District, and transferred to Senior Civil Judge, Nalgonda, to be tried along with O.P.No.105 of 2013 in accordance with law. Senior Civil Judge, Nalgonda, 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 for any specific purpose.

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

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

S. RAVI KUMAR, J

11th April 2016.

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