

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.128 of 2016

ORDER:

This petition is filed to withdraw O.P.No.2114 of 2015 from the file of IV Additional District Judge (FTC)-cum-I Additional Family Court at L.B. Nagar, Ranga Reddy District and transfer the same to Family Court, Karimnagar.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 13.02.2013 at Padmavathi Kalyana Mandapam, Thimmapur Village, Karimnagar District as per Hindu rites and custom and that the marriage was consummated at the house of respondent and they lived together for a period of 9 months and thereafter she gave birth to a female child on 08.09.2014 at Thimmapur village, Karimnagar. She stated that she was not taken back to matrimonial home after delivery and respondent filed family court O.P at Hyderabad for restitution of conjugal rights and that she is having 18 months old daughter, it is difficult for her to attend Family court at L.B Nagar, Ranga Reddy District by travelling nearly 380 KMs. She further contended that respondent telephoned her on 19.02.2016 and threatened her with dire consequences therefore she has a life threat at Hyderabad. For these reasons, she prayed for transfer of O.P.No.2114 of 2015 from Family Court at L.B. Nagar, Ranga Reddy District to Family Court, Karimnagar.

3. Respondent filed counter disputing the affidavit averments of petitioner including phone call and life threat. Respondent contended that he is working in a petrol bunk and getting a meager salary and it is difficult for him to travel from Hyderabad to Karimnagar for every hearing. He further contended

that he is having ailing father and mother and his presence is required to look after their needs including medical needs and as he is working in a petrol bunk it is difficult for him to get leave from his employer to attend the case if it is transferred to Family Court, Karimnagar and that there are no grounds for transfer of O.P.No.2114 of 2015 from R.R District to Karimnagar and petition is liable to be dismissed.

4. Heard both sides.

5. Both advocates submitted their arguments supporting the respective contentions of their clients. Advocate for petitioner submitted that wife's convenience is paramount consideration and to support his submission, he relied on Supreme Court decision in

Archana Singh vs Alok Pratap Singh^[1] and ***Mona Aresh Goel vs Aresh Satya Goel***^[2]

6. Advocate for respondent submitted that petitioner is visiting other places like suryapet etc., and only expressing difficulty for the sake of transfer OP and that life threat pointed out by her is also a created one.

7. Considering the submissions of both sides, contentions and rival contentions of both parties, I am of the view that request of petitioner can be considered by dispensing with the presence of respondent for each and every adjournment as he expressed difficulty in securing leave from his employer.

8. For these reasons, O.P.No.2114 of 2015 is withdrawn from the file of IV Additional District Judge (FTC)-cum-I Additional Family Court at L.B. Nagar, Ranga Reddy District and transferred to Family Court, Karimnagar for disposal in accordance with law. Family Court, Karimnagar shall dispose of O.P.No.2114 of 2015, as expeditiously, as possible, preferably

within six (06) months from the date of receipt of records by dispensing with the presence of husband i.e., respondent herein for each and every adjournment. However, respondent herein shall appear as and when his physical presence is felt necessary before Family Court for any specific purpose.

9. Accordingly, the Transfer Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 28-03-2016

Note : C.C. in two days

B/o

gvI

[\[1\]](#) (2000) 3 SCC 744

[\[2\]](#) (2000) 9 SCC 255