

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CMP.No.296 of 2016

Date:19.08.2016

Between:

Smt. Chimata Suneeta

... Petitioner.

AND

Sri Chimata Rajendra Prasad

...Respondent.

The Court made the following:

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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Tr.CMP.No.296 of 2016

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ORDER:

This application is filed to withdraw O.P.No.48/2012 from Principal Senior Civil Judge, Kothagudem, Khammam District and transfer the same to Additional Metropolitan Sessions Judge-cum-Additional Family Court-cum-Jubilee Hills Car Bomb Blast Cases, Nampally, Hyderabad.

2. Wife filed this application and according to her affidavit, during wedlock they are blessed with one son and one daughter and thereafter, respondent subjected her to untold miseries and due to disputes, they are living separately and respondent filed O.P., before Principal Senior Civil Judge, Kothagudem, Khammam District by giving a wrong address and that she filed a petition to set aside the ex-parte order passed against her and the Court was pleased to set aside that.

She stated that she is resident of Somajiguda, Hyderabad and her children are out of India and it is difficult for her to travel from Hyderabad to Kothagudem for every date of hearing and for these reasons, she prayed for transfer of O.P., from Senior Civil Judge, Kothagudem to Additional Family Court, Hyderabad.

3. Respondent field counter disputing the affidavit averments of the petitioner and mainly contended that in CRP.No.2315/2016 filed by him, this Court directed the trial Court to dispose of the O.P., within three months directing both parties to cooperate with the trial and that respondent is a senior citizen doing medical practice and it will be difficult for him to come from Kothagudem and on that ground,

he prayed for dismissal of the application.

4. Heard arguments.

5. Advocate for petitioner submitted the orders in CRP are passed at the stage of admission and the petitioner has no notice on it and even that direction of three months can be continued to the Court where the matter is going to be transferred and the petitioner would cooperate with the trial of the case.

6. Advocate for respondent submitted that in case, the Court is inclined to consider the request of the wife, his presence before the Family Court may be dispensed with as he is a senior citizen and running a hospital at Kothagudem.

7. Considering the submissions of both sides and considering the contentions and rival contentions of both parties, without prejudice to the rights of the petitioner and respondent, O.P.No.48/2012 is withdrawn from Principal Senior Civil Judge, Kothagudem, Khammam District and transferred to Additional Family Court-cum- Additional Metropolitan Sessions Judge cum-Jubilee Hills Car Bomb Blast Cases, Nampally, Hyderabad for disposal in accordance with law. Additional Family Court, Nampally, Hyderabad 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.

The Additional Family Court shall complete the trial as fixed by this Court in CRP.No.2315/2016 from the date of receipt of the records.

8. Petition is ordered accordingly and as a sequel, miscellaneous petitions, if any, pending in this Tr.CMP., shall stand disposed of. No costs.

JUSTICE S. RAVI KUMAR

Date:19.08.2016

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