

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.186 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.163 of 2015 from the file of Family Court-cum-IX Additional District Judge, East Godavari District at Rajahmundry and transfer the same to Family Court, Visakhapatnam.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 12.06.2011 at Sri Satyadeva Kalyana Mandapam, Rajahmundry as per Hindu rites and caste custom and that she joined respondent for conjugal life and thereafter he secured a job at Hyderabad and she joined him at Hyderabad. She stated that due to harassment, she is staying at her parents' house in Visakhapatnam and she lodged a complaint with Station House Officer, Kancharapalem police station, Visakhapatnam, which is registered as FIR No.263 of 2013 and that she also filed a DVC No.8 of 2015 before III Metropolitan Magistrate, Visakhapatnam and both the cases are pending consideration. She further stated that she is not financially independent, but depending on her parents and it would be difficult for her to travel from Visakhapatnam to Rajahmundry by meeting expenditure and as respondent is already attending Visakhapatnam in connection of two cases filed by her, she prayed for transfer of F.C.O.P.No.163 of 2015 from Family Court, Rajahmundry to Family court, Visakhapatnam.

3. Other side has not filed any counter disputing the affidavit averments of petitioner.

4. Heard both sides.

5. Advocate for petitioner reiterated the affidavit averments of petitioner. Advocate for respondent submitted that respondent has a life threat in the hands of family members of petitioner at Visakhapatnam and in fact complaints were given with regard to earlier attempts made on him, and for these reasons, he apprehend danger to his life at Visakhapatnam and that petition is liable to be dismissed.

6. I have perused the material papers including the petition averments in F.C.O.P No.163 of 2015, wherein respondent herein has referred to some instances of attack. Admittedly, respondent is attending Visakhapatnam in connection of two cases pending there against him filed by wife/petitioner i.e., C.C.No.494 of 2013 and DVC No.8 of 2015. When this aspect was brought to notice of advocate for respondent he submitted at least presence of respondent may be dispensed with as it is difficult for respondent to secure leave from his employer.

7. Considering the submissions of both sides and also considering the convenience of wife, F.C.O.P.No.163 of 2015 is withdrawn from the file of Family Court-cum-IX Additional District Judge, East Godavari District at Rajahmundry and transferred to Family Court, Visakhapatnam for disposal in accordance with law. Family Court, Visakhapatnam shall dispense with the presence of husband i.e., respondent herein for each and every adjournment. However, respondent shall appear as and when his physical presence is felt necessary for any specific purpose. Family Court, Visakhapatnam shall dispose of F.C.O.P No.163 of 2015, as expeditiously, as possible, preferably, within six (06) months from the date of receipt of records.

8. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, pending in this petition, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 09-06-2016.

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