

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P. No. 142 of 2016

ORDER:

This petition is filed to withdraw O.P.No.1870 of 2015 from the file of Family Court at L.B.Nagar, R.R. District, and transfer the same to Family Court, Visakhapatnam.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 19.06.2010 at Simhachalam Village, Visakhapatnam District, and immediately after marriage she joined respondent at Hyderabad. She stated that out of wedlock they were blessed with two daughters, aged about 4 and 2 years respectively, and thereafter respondent started harassing her on one pretext or the other and she is now living at her parents house. She further stated that respondent filed O.P.No.1870 of 2015 before Family Court, Ranga Reddy and that she has no male assistance to escort her from Visakhapatnam to Ranga Reddy. She stated that it is difficult for her to travel from Visakhapatnam to Ranga Reddy, for these reasons, she prayed for transfer of O.P.No.1870 of 2015 from Ranga Reddy to Visakhapatnam.

3. Respondent filed counter disputing the affidavit averments of petitioner and the main objection of respondent as per the counter is that he is working as

accountant in a private company at Hyderabad and it is difficult for him to attend Visakhapatnam for every adjournment as his management could not sanction leaves in which case he may have to lose his job. It is further stated that petitioner is a house wife she can easily attend the Court at Ranga Reddy, for these reasons, prayed for dismissal of transfer C.M.P.

4. Heard both sides.

5. Advocate for petitioner submitted that as the petitioner is depending on her parents, it is difficult for her to travel from Visakhapatnam to Ranga Reddy and by taking her convenience into consideration, O.P.No.1870 of 2015 may be transferred.

6. Advocate for respondent submitted that respondent is ready to pay travelling expenses to petitioner from Visakhapatnam to Ranga Reddy for her appearance on each adjournment.

7. I have perused the material papers.

8. Considering the contentions and rival contentions of both parties, taking the convenience of wife into consideration and also difficulty expressed by respondent to get leaves, I am of the view that O.P. can be transferred by dispensing with the presence of respondent before Family Court, Visakhapatnam, for each and every adjournment.

9. For these reasons, O.P.No.1870 of 2015 is withdrawn from Family Court at L.B. Nagar, Ranga Reddy,

and transferred to Family Court, Visakhapatnam, for disposal in accordance with law. Family Court, Visakhapatnam, shall dispense with 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.

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

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

S. RAVI KUMAR, J

15th July 2016.

mar