

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.86 of 2015

ORDER:

This petition is filed to withdraw H.M.O.P.No.28 of 2015 from the file of Family Court, Warangal and transfer the same to Additional Family Court cum Additional M.S.J for Trial of Jubilee Hills Car Bomb Blast Case at Nampally, Hyderabad.

2. Wife filed this petition. According to her affidavit, she filed M.C.No.52 of 2015 and the same is pending before the Additional Family Court cum Additional M.S.J for Trial of Jubilee Hills Car Bomb Blast Case at Nampally, Hyderabad and she also filed D.V.C.No.115 of 2015 which is pending on the file of

III Metropolitan Magistrate, Nampally, Hyderabad and C.C.No.280 of 2015 pending on the file of XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad and the respondent is attending in all these cases, and no prejudice would be caused, if O.P.No.28 of 2015 is also transferred from Family Court, Warangal to Nampally, Hyderabad. She further stated that she has no means to travel from Hyderabad to Warangal, she is completely dependant on her parents and living on their mercy. She further stated that her convenience has to be taken into consideration and for all these reasons, she prayed for transfer of H.M.O.P.No.28 of 2015 from Family Court, Warangal to Additional Family Court cum Additional M.S.J for Trial of Jubilee Hills Car Bomb Blast Case at Nampally, Hyderabad.

3. Respondent filed counter disputing all the affidavit averments of petitioner and contended that he is a practicing advocate at Warangal and it would be difficult for him to travel from Warangal to Hyderabad, as his absence would have an adverse impact on his practice. He further stated that the distance between Warangal and Hyderabad is well connected by Rail and road transport, which is less than 150 k.m., and the apprehension of the petitioner with regard to

transport facility is unfounded. Respondent opposed transfer of H.M.O.P.No.28 of 2015 from Family Court, Warangal to Additional Family Court, Nampally, Hyderabad.

4. Heard both sides. Both sides submitted their arguments supporting the respective contentions of their clients.

5. A perusal of the material papers including the affidavit of the petitioner and counter affidavit of the respondent, I am of the view that the request of the wife can be considered for transfer of H.M.O.P.No.28 of 2015 from Warangal to Hyderabad by dispensing with the presence of the husband before the Family Court cum Additional M.S.J for Trial of Jubilee Hills Car Bomb Blast Case at Nampally, Hyderabad for each and every adjournment.

6. Accordingly, H.M.O.P.No.28 of 2015 is withdrawn from the file of Family Court, Warangal and transferred to Family Court cum Additional M.S.J for Trial of Jubilee Hills Car Bomb Blast Case at Nampally, Hyderabad, for disposal in accordance with law. The Family Court cum Additional M.S.J for Trial of Jubilee Hills Car Bomb Blast Case at Nampally, Hyderabad, shall dispense with the presence of the respondent herein i.e., husband for each and every adjournment. However, he shall appear as and when the Court feels that his physical presence is necessary for any specific purpose.

7. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, if any pending, in this transfer civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 18th April, 2016
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HON'BLE SRI JUSTICE S. RAVI KUMAR

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Dated : 18.04.2016

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