

**HON'BLE SRI JUSTICE S. RAVI KUMAR**

**Tr.C.M.P.No.92 of 2016**

**ORDER:**

This petition is filed to withdraw O.P.No.344 of 2015 from the file of Family Court, City Civil Court, Secunderabad and transfer the same to Family Court, Visakhapatnam.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 08.12.2012 at Sri Sri Sri Trisakti Devalaya Kalyana Mandapam, Opp. Sector 8, Steel Plant Township, Visakhapatnam, as per Hindu rites and caste custom and that she joined respondent for conjugal rights and due to harassment of respondent and his mother she is now living with her parents and that she lodged a complaint with Women Police, Visakhapatnam, which is registered as Crime No.173 of 2015 for the offence under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act and police also filed Charge sheet before I Additional Chief Metropolitan Magistrate, Visakhapatnam. She further stated that respondent filed O.P.No.344 of 2015 before Family Court, Secunderabad for divorce and that she is not having sufficient means to travel from Visakhapatnam to Secunderabad to defend O.P.No.344 of 2015. She further stated that she attended Secunderabad Court on 14.12.2015 with great difficulty with the assistance of her aged mother, and considering her convenience, she sought for transfer of O.P.No.344 of 2015 from Family Court, Secunderabad to Family Court, Visakhapatnam.

3. Respondent filed counter disputing the affidavit averments of petitioner opposing the transfer. He stated that he was doing job at the time of marriage and the allegations that he

was un-employee is false. He also stated that he never harassed petitioner and those allegations are false. He stated that he filed divorce petition before Family court in the month of May 2015 only after receiving summons in the divorce OP, she lodged a complaint under Section 498-A IPC and as per his information, police completed investigation but not filed any charge sheet and that he has not received any summons from the Court. He stated that there is no necessity to transfer the O.P from Secunderabad to Visakhapatnam.

4. Heard both sides.

5. Both sides submitted their arguments supporting respective contentions of their parties.

6. From the submissions, it is clear that now 498-A case is pending at Visakhapatnam and respondent is attending in that case. Without prejudice to contentions and rival contentions of both parties, I feel that request of wife can be considered by taking her convenience into consideration. However, wife's request can be considered by dispensing with the presence of husband i.e., respondent herein for each and every adjournment before Family Court, Visakhapatnam.

7. For these reasons, O.P.No.344 of 2015 is withdrawn from the file of Family Court, Secunderabad 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is

ordered. No costs. Miscellaneous Petitions, pending in this petition, if any, shall stand closed.

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**S. RAVI KUMAR, J**

Date: 08-06-2016.

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