

THE HONOURABLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.774 of 2015

ORDER

This application is filed to withdraw Family Court O.P.No.32 of 2015 from the file of Family Court, Ananthapur and transfer the same to Family Court, Tirupathi.

2. Wife filed this application. According to her affidavit, her marriage with the respondent was performed on 30.08.2010 as per caste customs and Hindu rites and she and respondent are Government servants working in Cooperative Department in Ananthapur District. She stated that respondent filed O.P., seeking divorce before Family Court, Ananthapur and at present, she is working on deputation at Tirupathi and that she is a native of Tirupathi and is residing with her parents due to disputes with respondent. She stated that it is difficult for her to attend Ananthapur Court, which is at a distance of 274 Kms, for defending the OP. She also stated that she apprehends danger to her life at Ananthapur in the hands of the respondent and his blood relatives. For these reasons, she prayed for transfer of O.P., from Family Court, Ananthapur to Family Court, Tirupathi.

3. Respondent filed counter affidavit disputing the affidavit averments of the petitioner and contended that only for the purpose of transfer of O.P., she obtained deputation orders and both of them are working in Ananthapur. He further stated that he is looking after his 4 years old son and it is difficult for him to go to Tirupathi as there were none to look after his son. He further

stated that he will be put to hardship if the case is transferred from Ananthapur to Tirupathi and that the allegations made for transfer are false.

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

5. As seen from the affidavits filed on behalf of both parties, both petitioner and respondent are employees working in Cooperative Department, Ananthapur District, but as per the documents produced on behalf of the petitioner, she is now presently on deputation at Tirupathi. She also produced documents to show that she is a permanent resident of Tirupathi and presently residing with her parents at Tirupathi. Considering the convenience of the wife and the fact that she is working at Tirupathi on deputation, her request for transfer of O.P, from Ananthapur to Tirupathi is considered by dispensing with the presence of the respondent/husband for every adjournment before Family Court, Tirupathi.

6. For these reasons, O.P.No.32 of 2015 is withdrawn from Family Court, Ananthapur and transferred to Family Court, Tirupathi for disposal in accordance with law. Family Court, Tirupathi 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. .

7. The Transfer C.M.P. is ordered accordingly. No order as to

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

S. RAVI KUMAR, J

12th July, 2016

sj