

THE HONOURABLE SRI JUSTICE S.RAVI KUMAR
TRANSFER CIVIL MISCELLANEOUS PETITION No.799 OF 2015

ORDER:

This application is filed to withdraw O.P.No.1363 of 2015 from Family Court, Ranga Reddy at L.B. Nagar, and transfer to Family Court, Warangal.

Wife filed this application and according to her affidavit, her marriage was performed on 25-10-2012 in Warangal District and due to disputes she and her husband are living separately and she filed a complaint before Women Police Station, Hyderabad, in crime No.551 of 2015 and that she also filed O.P.No.345 of 2015 before Family Court, Warangal, for restitution of conjugal rights and that she filed case under the provisions of Protection of Women from Domestic Violence Act, which is pending before

IV Additional Judicial First Class Magistrate, Warangal, and that it is difficult for her to travel from Warangal to Ranga Reddy and as already cases filed by her at Warangal are pending and respondent is attending for those cases, she prayed for transfer of O.P.No.1363 of 2015 from Family Court, Ranga Reddy, to Family Court, Warangal.

Husband filed counter affidavit disputing the affidavit averments of the petitioner and contended that all these cases are filed only after he filed O.P.No.1363 of 2015 before Family Court, Ranga Reddy District, with a view to harass him and only as a counter blast. It is contended that O.P.No.1363 of 2015 was filed on 06.08.2015 and all other cases are filed only after receiving summons/notices in said O.P. and the respondent is an employee at Uppal in a private company and it is difficult for him to get leaves for attending cases at Warangal and if he is regularly abstain from the duty, there is likelihood of effecting his service and that it is difficult for him to attend

the Court at Warangal. He has also apprehended that there is a threat for him at Warangal in the hands of petitioner, her father and their kith and kin.

Heard both sides. Both advocates submitted their arguments supporting the contentions of their respective clients. I have perused the material papers including the affidavit and counter affidavit of both the parties.

Admittedly, cases filed by wife are pending at Warangal Court and respondent herein is attending those cases and only objection for the respondent is that it is difficult for him to get leaves from his employer for attending case at Warangal as his presence is necessary before the Family Court this being a case filed under the provisions of Family Courts Act. The other objection of the respondent is that he is apprehending danger to his life at Warangal.

Considering these aspects, I am of the view that the request of the wife can be considered for transfer of O.P.No.1363 of 2015 from Family Court, Ranga Reddy, to Family Court, Warangal, by dispensing with the presence of the respondent-husband for each and every adjournment.

Accordingly, O.P.No.1363/2015 is withdrawn from Family Court, Ranga Reddy at L.B.Nagar, and transferred to Family Court, Warangal, for disposal in accordance with law. The Family Court, Warangal, shall dispense with the presence of the respondent-husband for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary by the Court for any specific purpose.

Accordingly, the Transfer Civil Miscellaneous petition is ordered. Miscellaneous petitions pending in this petition, if any, shall stand closed.

S.RAVI KUMAR, J

22nd March, 2016.

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