

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

Tr.C.M.P.No.543 of 2015

ORDER:

This application is filed to withdraw F.C.O.P No.64 of 2015 from Family Court, Prakasam District at Ongole and transfer the same to Family Court, Nellore.

2. Petitioner herein is wife of the respondent herein. She filed the present application stating that her marriage with respondent was performed on 08.02.2007 and they lived together happily till a male child is blessed and thereafter, she was driven out from the house and as she has no other alternative, she went to her parents house at Nellore and residing there. She stated when she went to Family Court, Ongole in connection with above O.P., she was humiliated and threatened with dire consequences. She further stated that it is difficult for her to travel from Nellore to Ongole with six years old boy as she has to look after his welfare. She further stated that her parents are aged and not in a position to escort her to Ongole. For these reasons, she prayed for transfer of F.C.O.P.No.64 of 2015 from Family Court, Ongole to Family Court, Nellore.

3. Respondent filed counter disputing the affidavit averments of the petitioner and contended that the allegations of threat and dire consequences are not correct. It is stated that she was set *ex parte* in the main O.P and thereafter, she filed I.A to set aside the *ex parte* order and nothing was whispered in that application about alleged threat and the same is invented for the purpose of this transfer petition. He further stated that there are no grounds to transfer the case from Ongole to Nellore.

4. Heard both sides.

5. I have perused the material papers including the affidavit of the petitioner and counter affidavit of the respondent. From the submissions of Advocate for respondent, it is clear that respondent is now staying at Visakhapatnam. It is represented that it is difficult for the respondent to appear before Family Court, Nellore for each and every adjournment.

6. Considering contentions and rival contentions of both parties and also considering the convenience of wife, F.C.O.P No.64 of 2015 is withdrawn from Family Court, Prakasam District, Ongole and transferred to Family Court, Nellore, for disposal in accordance with law. Family Court, Nellore shall dispense with the presence of the respondent herein i.e., the 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 petition is ordered, accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

S. RAVI KUMAR, J

JULY 04, 2016
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Date: 04.07.2016

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