

THE HONOURABLE SRI JUSTICE S. RAVI KUMAR

TR.C.M.P No.231 OF 2016

ORDER:

This petition is filed to withdraw O.P.No.15 of 2016 from Senior Civil Judge, Nuzvid, Krishna District, Andhra Pradesh, and transfer the same to Family Court, Ranga Reddy District.

2. Husband filed this application and according to his affidavit, his marriage was performed on 02.07.1988 at Koduru Village and Mandal, Krishna District in Andhra Pradesh and now he is 58 years old. He further stated that respondent filed O.P. before Senior Civil Judge, Nuzvid, seeking dissolution of marriage with false and untenable allegations and only with an intention to harass him mentally and for monetary benefit. It is further stated that respondent herself admitted that she is residing at Shameerpet, Ranga Reddy District, and that she intentionally filed O.P. at Nuzvid to harass him physically and mentally. For these reasons, he prayed for transfer of O.P. from Senior Civil Judge, Nuzvid, Krishna District, to Family Court, Ranga Reddy District.

3. Respondent/wife filed counter disputing the affidavit averments of the petition and she specifically stated that petitioner is now living with his elder son, who is earning more than Rs.1,20,000/- per month at Oracle India, Hyderabad. She stated that distance between Hyderabad and Nuzvid is not 400 K.Ms. but it is only 290 K.Ms. and that petitioner is having own car bearing No.TS 15EF 4249 and contention that he cannot travel is incorrect. It is further stated that petitioner is now residing at Koduru near Nuzvid and contention that she is a resident of Hyderabad is not correct and petition is not maintainable and claim of petitioner to transfer O.P. from Nuzvid to Ranga Reddy is not tenable.

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

5. When this matter has come up for hearing on previous adjournments, advocate for respondent was directed to produce proof

of address. In pursuance of such direction, he has produced Residence Certificate, dated 26.05.2016, issued by the Village Revenue officer, Koduru, from which it is clear that respondent herein is now residing at Koduru near Nuzvid. The only contention of petitioner is that he is now 58 years old and it is difficult for him to travel from Hyderabad to Nuzvid. But, as seen from the material, respondent is also equally aged person and the O.P. is not before a Family Court and it is before a Senior Civil Judge, where physical presence of parties is not necessary for each and every adjournment. At best, presence of petitioner herein may require only at the time of giving evidence. Even for that, if petitioner feels inconvenience to attend the Court, he can file an application for appointment of commissioner to record his evidence at the place of his choice. Therefore, the grounds urged in the petition seeking transfer of O.P. from Senior Civil Judge, Nuzvid, to Family Court, Ranga Reddy, is not tenable when they are against the convenience of wife.

6. For these reasons, the Tr.C.M.P. is dismissed. No costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand dismissed.

S. RAVI KUMAR, J

Date:18.07.2016

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