

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.288 of 2014

ORDER:

This petition is filed to withdraw F.C.O.P.No.36 of 2014 from the file of Family Court, Khammam and transfer the same to Senior Civil Judge, Mancherial, Adilabad District.

2. Wife filed this petition contending that her marriage with respondent was performed on 13.02.2011 at Srirampur colony, Mancherial, Adilabad District as per Caste custom. She further stated they are blessed with a baby by name Prateek and after birth of child, due to disputes she is now staying at Mancherial and respondent filed FCOP No.36 of 2014 before Family Court, Khammam for dissolution of marriage with false and untenable allegations and it is difficult for her to travel 300 KMs along with small kid for the purpose of defending OP at Family Court, Khammam. She further stated that she has no male support to accompany her to travel and as her parents are sick she prayed for transfer of O.P. from Khammam to Mancherial.

3. Respondent filed counter disputing the affidavit averments of petitioner and contended that he is feeling insecurity at Mancherial as petitioner's father is working in Singareni Collieries as Manager and got influence there. He contended that the ground of convenience pleaded by wife is not correct and he has got life threat at Mancherial and the request of wife is not reasonable.

4. Heard both sides.

5. Advocate for petitioner submitted that the age of child is

now 4 years and it is difficult for petitioner to travel from Mancherial to Khammam with such a small kid for the purpose of defending O.P. filed by husband. It is further submitted that wife's convenience has to be taken into consideration and the allegations of life threat are not correct.

6. On the other hand, advocate for respondent submitted the petitioner's father has got influence at Mancherial and respondent is apprehending every danger at Mancherial and the very transfer of case to Mancheryal is only to threaten respondent.

7. I have perused the material papers including affidavit of petitioner and the counter affidavit of respondent. Though respondent specifically pleaded that petitioner's father is a influenced person and respondent got life threat at Mancherial, no reply affidavit is filed disputing the same. As the respondent is apprehending danger to his life at Mancherial, it is not desirable to transfer the case to Mancherial.

8. Considering apprehension of respondent which is not rebutted and also considering the request of wife, I feel instead of transferring OP from Khammam to Mancherial this transfer petition can be dismissed directing Family Court, Khammam to dispose of F.C.O.P.No.36 of 2014, as expeditiously as possible by dispensing with the presence of wife for each and every adjournment so that she need not to attend the Court by travelling 300 KMs with a small kid.

9. For these reasons, this Transfer civil Miscellaneous petition is dismissed directing the Family Court, Khammam to dispose of FCOP No.36 of 2014, as expeditiously, as possible, preferably, within a period of six (06) months from the date of

receipt of a copy of this order by dispensing with the presence of wife for each and every adjournment. However, petitioner herein shall appear as and when her physical presence is necessary before Family Court for any specific purpose. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 14-03-2016

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