

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.43 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.236 of 2013 from the file of Family Court, Secunderabad and transfer the same to Family Court, Kadapa.

2. Wife filed this petition and according to her affidavit, her marriage with respondent was performed on 09.11.2010 and marriage was registered at Registrar of Marriages, Kadapa on 11.11.2010. She stated that due to disputes, when she was carrying fourth month pregnancy, she was sent back to her parents house Kadapa, thereafter, a female child was born on 08.08.2013 and now she is two years six months old. She stated that she was residing with her brother at Kurnool at that time, as respondent did not respond to her requests, she filed D.V.C. before Family Court, Kurnool. She also stated that she filed O.P.No.64 of 2013 before Family Court, Kadapa and both the cases are pending. She stated that she is now residing with her parents at Kadapa and it is very difficult for her to travel from Kadapa to Hyderabad and prayed for transfer of O.P from Hyderabad to Kadapa.

3. Respondent/husband opposed the request for transfer and filed counter stating that transfer O.P. was filed to harass him and he apprehends danger in the hands of petitioner, if the case is transferred to Kadapa. It is also stated that there are no valid and reasonable grounds for transfer of O.P. from Secunderabad to Kadapa.

4. Heard both sides.

5. Advocate for respondent/husband submitted that the case before Family Court, Secunderabad is at final stage and evidence

is already completed on behalf of petitioner.

6. As seen from the docket order of the Court below, after filing chief affidavit of PW.1, cross examination was recorded as 'nil', as the respondent in the Family Court, Kadapa i.e., petitioner herein has not evinced any interest in proceeding with the case and she now filed I.A. to recall PW.1 for cross examination and the same is pending.

7. From the submissions of both sides, it is clear that D.V.C. is pending at Kurnool. Considering the contentions and rival contentions of both parties and also taking apprehension of life threat of respondent/husband into consideration, I feel that O.P. can be transferred to middle place i.e., Kurnool, where D.V.C. is pending and according to affidavit of petitioner she is staying with her brother at Kurnool.

8. For these reasons, F.C.O.P.No.236 of 2013 is withdrawn from Family Court, Secunderabad and transferred to Family Court, Kurnool, for disposal in accordance with law.

9. Accordingly, transfer C.M.P. is ordered. No costs.

10. Miscellaneous Petitions pending, if any, shall stand dismissed.

S. RAVI KUMAR, J

18th July, 2016.

pab