

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.102 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.1992 of 2015 from the file of XV Additional Chief Judge-cum-II Additional Family Court, Miyapur, Ranga Reddy District, and transfer the same to Family Court, Srikakulam.

2. Wife filed this petition. According to her affidavit, she is now residing at Srikakulam and she filed M.C.No.22 of 2015 before Family Court, Srikakulam, seeking maintenance, the same is pending and respondent is contesting the matter. She stated that respondent filed O.P. before Family Court, Ranga Reddy and that distance between Srikakulam and Ranga Reddy is more than 800 kms. and it is difficult for her to travel from Srikakulam to Ranga Reddy being a lady. She further stated that respondent is permanent residence of Bobbili of Vizianagaram District and all his family members are residing at Bobbili, which is at a distance of 60 to 70 kms. from Srikakulam, therefore, she prayed for transfer of F.C.O.P.No.1992 of 2015 from XV Additional Chief Judge-cum-

II-Additional Family Court, Miyapur, Ranga Reddy District, to Family Court, Srikakulam.

3. Respondent filed counter opposing the transfer and denying the affidavit averments of petitioner. He stated

that he is a private employee working at Hyderabad and it is difficult for him to travel from Hyderabad to Srikakulam. He stated that in the M.C. he engaged an advocate and defending the case. He further stated that there are no grounds to transfer F.C.O.P.No.1992 of 2015.

4. Heard both sides.

5. Advocate for respondent contended that because respondent is a private employee, it is difficult for him to secure leaves for attending the case in case it is transferred to Srikakulam. He also contended that as it is inconvenient for him to travel from Ranga Reddy to Visakhapatnam instead of Srikakulam.

6. Advocate for petitioner submitted that even for Visakhapatnam, petitioner has to travel from Srikakulam, which is nearly 100 kms. and opposed the proposal of transfer to Visakhapatnam.

7. Considering the submissions of both sides and considering the contentions and rival contentions of both parties, I feel that O.P.No.1992 of 2015 can be transferred to Srikakulam by dispensing with the presence of respondent herein i.e., husband for each and every adjournment before Family Court, Srikakulam with some conditions as respondent expressed difficulty in securing leaves.

8. For these reasons, O.P.No.1992 of 2015 is withdrawn from XV Additional Chief Judge-cum-II Additional Family Court, Miyapur, Ranga Reddy District,

and transferred to Family Court, Srikakulam, for disposal in accordance with law along with M.C.No.22 of 2015. Family Court, Srikakulam, shall dispense with the presence of respondent herein i.e., husband for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

9. Accordingly, transfer C.M.P. is ordered.

10. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

11th August 2016.

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