

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.436 of 2016

ORDER:

This petition is filed to transfer H.M.O.P.No.60 of 2016 from the file of Family Court, East Godavari at Rajahmundry, to I-Additional Family Court, Ranga Reddy at L.B.Nagar.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 04.08.2001 at Pedapatnam Lanka Village, East Godavari District, as per Hindu rites and custom and immediately after marriage she joined respondent for marital life. She stated that they lived happily for about one month and thereafter respondent started harassing her and out of wedlock they are blessed with a female child on 06.04.2001 and as respondent did not change his attitude and developed negligence against both herself and her child, she is living at her parents' house. She further stated that she is completely dependant on her parents for their survival and who are providing required expenses including the medical expenses. She stated that respondent completely neglected both herself and her child and she filed M.C.No.167 of 2016 before I-Additional Family Court, Ranga Reddy at L.B.Nagar. She stated that respondent filed H.M.O.P.No.60 of 2016 before Family Court, Rajahmundry, seeking divorce and that she attended the Court at Rajahmundry twice with great difficulty along with her father and she is not able to bear the expenses. She stated that she incurred Rs.1,000/- for one trip to attend the Court at Rajahmundry. For these

reasons, she prayed for transfer of H.M.O.P.No.60 of 2016 from Family Court, Rajahmundry to I-Additional Family Court, L.B.Nagar, to be tried along with M.C.No.167 of 2016.

2. Respondent did not file any counter disputing the affidavit averments of petitioner.

3. Heard both sides.

4. Advocate for petitioner submitted that distance between Rajahmundry and Hyderabad is about 500 kms. and petitioner is finding it difficult to attend the Court at Rajahmundry by leaving her minor daughter at Hyderabad, who is not keeping good health. He further submitted that due to financial difficulties and due to nonpayment of maintenance, it is difficult for petitioner to bear the traveling expenses, therefore, her request for transfer has to be considered.

5. Advocate for respondent opposed the transfer petition and contended that there are no tenable grounds for transfer of the case from Rajahmundry to Hyderabad. He submitted that as the marriage was solemnized within the jurisdiction of East Godavari District, divorce petition was filed at Rajahmundry and the objection of wife is not tenable.

6. I have perused the material papers. Considering the submissions of both sides and also considering the convenience of wife and the fact that M.C. filed by wife is already pending before

I-Additional Family Court, Ranga Reddy at L.B.Nagar, I feel that the request of wife for transfer can be considered.

7. For these reasons, H.M.O.P.No.60 of 2016 is withdrawn from Family Court, East Godavari at Rajahmundry, and transferred to I-Additional Family Court, Ranga Reddy at L.B.Nagar, for disposal in accordance with law.

8. Transfer C.M.P. is ordered accordingly.

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

31st August 2016.

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S. RAVI KUMAR, J

