

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.326 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.27 of 2016 from the file of Family Court, Vizianagaram, and transfer the same to Family Court, Visakhapatnam.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 28.11.2013 at Visakhapatnam as per Hindu rites and custom and from the date of marriage she was trying to adjust the traditions and customs of respondent, but for the reasons better known to respondent and his family, they have not understood her and created problems. She stated that respondent filed petition both for restitution of conjugal rights and for divorce. She stated that she is now staying at Visakhapatnam and it is difficult for her to travel from Visakhapatnam to Vizianagaram for each and every adjournment. She also stated that as the marriage was performed at Visakhapatnam and also by taking her convenience into consideration, F.C.O.P. has to be transferred from Vizianagaram to Visakahapatnam.

3. Respondent filed counter disputing the affidavit averments of petitioner and contended that he is working in L.I.C. at Vizianagaram and it is difficult for him to attend the proceedings at Visakhapatnam by obtaining leave. He further stated that the present petition for transfer is

filed only with a view to harass him and to fulfill her demands to set up a separate family. He further stated that there is no inconvenience for the petitioner in attending the Court at Vizianagaram, for these reasons he prayed for dismissal of transfer petition.

4. Heard both sides.

5. Both sides submitted their arguments supporting respective contentions of their clients.

6. Considering the submissions of both sides and also considering the convenience of wife and also difficulty expressed by respondent-husband because of his employment, I feel that request of wife can be considered by dispensing with the presence of respondent for each and every adjournment with condition before Family Court, Visakhapatnam.

7. For these reasons, F.C.O.P.No.27 of 2016 is withdrawn from Family Court, Vizianagaram, and transferred to Family Court, Visakhapatnam, for disposal in accordance with law. Family Court, Visakhapatnam, shall dispense with the presence of husband i.e., respondent herein for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

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

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

S. RAVI KUMAR, J

9th August 2016.

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