

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.796 of 2015

ORDER:

This petition is filed to withdraw F.C.O.P.No.1751 of 2015 from the file of Family Court-cum-XV Additional District Judge, Ranga Reddy District at L.B. Nagar and transfer the same to Family Court, Rajahmundry, East Godavari District for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of petition, according to which, her marriage was performed with respondent on 30.04.2006 at Rajahmundry in East Godavari District as per Hindu rites and customs, during wedlock, they are blessed with two children, who are aged about 7 years and 3 years respectively. She further stated that due to disputes she is staying at her parents' house in Rajahmundry along with her children and her children are studying at Maharshi School at Rajahmundry and she is looking after the welfare of her children. She stated that respondent/husband filed F.C.O.P. No.1751 of 2015 before Family Court-cum-XV Additional District Judge, Ranga Reddy for restitution of conjugal rights only to harass her. She further stated that it is very difficult for her to travel all the way from Rajahmundry to Hyderabad, covering a distance of more than 500 KMs to defend F.C.O.P.No.1751 of 2015. She further stated that she filed DVC case before VI Additional Judicial First Class Magistrate, Rajahmundry claiming various reliefs against respondent and his family members and the said DVC is posted to 03.12.2015 for the purpose of recording her statement and for these reasons she sought transfer of F.C.O.P.No.1751 of 2015

from Family Court, Ranga Reddy to Family Court, Rajahmundry.

3. On 30.12.2015, this Court directed petitioner to take personal notice to respondent through registered post with acknowledgment due and file proof of service. In compliance of the said order notice to respondent was sent through registered post with acknowledgment due and advocate for petitioner filed proof of service through Memo dated 04.02.2016. As seen from the postal acknowledgment and the speed post track report, registered post was delivered to respondent on 01.01.2016. In spite of service of notice respondent neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. As the affidavit averments of petitioner remained unchallenged and since request of petitioner for transfer is made out, F.C.O.P.No.1751 of 2015 is withdrawn from the file of Family Court-cum-XV Additional District Judge, Ranga Reddy District at L.B. Nagar and transferred to Family Court, Rajahmundry, East Godavari District, for disposal in accordance with law.

6. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 15-02-2016

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