

**THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

**Tr.CMP.No.226 of 2016**

**Date:17.08.2016**

**Between:**

Malla Manasa

... Petitioner.

**AND**

Malla Tirumala

...Respondent.

**The Court made the following:**

**THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

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**Tr.CMP.No.226 of 2016**

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**ORDER:**

This application is filed to withdraw Family Court O.P.No.1719/2015 from Additional Family Court, City Civil Courts, Hyderabad and transfer the same to Senior Civil Judge, Sompeta, Srikakulam District.

2. Wife filed this application and according to her affidavit, her marriage with respondent was performed on 02-11-2012 at Kalyana Parameswari Vysya Sankshema Sangham, Palasa, Srikakulam District and that she belongs to Harishchandrapuram Village of Kattabommali Mandal and respondent belongs to Palasa. She stated that after marriage, respondent took her to Hyderabad, where he was working and thereafter due to harassment, she was forced to stay at her parents' house. She stated that she lodged a complaint with Kasibugga police and police filed charge sheet before Judicial First Class Magistrate of Palasa and a criminal case is pending there. She stated that respondent is filed F.C.O.P.No.1719/2015 before Additional Family Court, City Civil Court, Hyderabad for restitution of conjugal rights and that she appeared through her advocate and contesting the matter. She stated that she is totally dependent on her parents for her maintenance, including her day to day necessities and her parents cannot afford to meet the travelling expenses from her place of residence to Hyderabad and the distance between these two places is nearly 1600 KMs. She stated that she has to incur nearly Rs.5,000/- towards travelling, lodging and boarding expenses for attending the Court at Hyderabad. For these reasons, she prayed for

transfer of FCOP from Additional Family Court, City Civil Court, Hyderabad to Senior Civil Judge, Sompet.

3. Respondent, in spite of granting time, did not chose to file any counter disputing the affidavit averments of the petitioner.

4. Heard arguments.

5. It is clear from the submissions of the advocate for respondent that the respondent is attending the Court of Judicial First Class Magistrate, Palasa in connection of criminal case. Admittedly, the petitioner is now residing at Harishchandrapuram Village of Kattabommali Mandal, Palasa and criminal case is pending at Palasa. It is also clear from the affidavit of the petitioner that her parents are now providing maintenance to her and it is very difficult for her parents to afford the travelling expenses and also to escort her from place of her residence to Hyderabad to defend the FCOP pending before the Family Court, Hyderabad.

6. Considering the reasons stated in the affidavit and also considering the convenience of the wife, O.P.No.1719/2015 is withdrawn from Additional Family Court, City Civil Court, Hyderabad and transferred to Senior Civil Judge, Sompet for disposal in accordance with law.

7. Petition is ordered accordingly and as a sequel, miscellaneous petitions, if any, pending in this Tr.CMP., shall stand disposed of. No costs.

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***JUSTICE S. RAVI KUMAR***

**Date:17.08.2016**

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