

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.63 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.1976 of 2015 from the file of Family Court, Ranga Reddy at L.B.Nagar, and transfer the same to Senior Civil Judge, Bodhan, Nizamabad District.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 19.11.2010 at Ayesha Garden Function Hall, Bodhan, as per Hindu rites and custom and that it is an arranged marriage. She stated that respondent started harassing her on one ground or other and that she bore the harassment with the fond hope that future of her and her child cannot be spoiled and that finally she was necked out from the marital home and having no other alternative, she joined her parents along with the child. She further stated that respondent filed F.C.O.P.No.1976 of 2015 before Family Court, Ranga Reddy District, for restitution of conjugal rights. She stated that distance between her place of residence and Hyderabad is around 250 kms. and she got a son aged about 3 ½ years and both are living on the mercy of her parents and that she has no financial source to travel from her place of residence to Hyderabad to defend the F.C.O.P. She further stated that she has no relatives at Hyderabad and it is difficult for her to attend

Family Court, Ranga Reddy, for each and every adjournment, whereas respondent is working as L.I.C. agent and earning handful sum and that the present F.C.O.P. is filed at Ranga Reddy Court only to harass her. For these reasons, she prayed for transfer of F.C.O.P.No.1976 of 2015 from Family Court, Ranga Reddy to Senior Civil Judge, Bodhan.

3. Respondent filed counter disputing the affidavit averments of petitioner and objected the transfer petition. Advocate for respondent submitted that respondent is having disk problem by birth and suffering 40% permanent disability and he is physically handicapped person, as such, he cannot make frequent travel and on the ground of his personal inconvenience, he prayed for dismissal of transfer petition.

4. Heard arguments.

5. Advocate for petitioner submitted that respondent earlier worked at Bodhan, by virtue of transfer, he is now working at Hyderabad and petitioner has no knowledge about the alleged disability. She stated that no supporting document is filed to show permanent disability as claimed and that the same is invented for the purpose of transfer petition.

6. I have perused the material papers including the affidavit of petitioner and counter-affidavit filed on behalf of respondent. Admittedly, respondent is an employee and his job is a transferable job and earlier he worked at

Bodhan and now he is working at Hyderabad. The only contention of respondent is that he cannot undertake frequent journeys on account of his disability. Considering the contention and rival contention of both parties, I feel that the request of wife can be considered by dispensing with the presence of respondent-husband before Senior Civil Judge, Bodhan, on some conditions.

8. For these reasons, F.C.O.P.No.1976 of 2015 is withdrawn from Family Court, Ranga Reddy at L.B.Nagar, and transferred to Senior Civil Judge, Bodhan, Nizamabad District, for disposal in accordance with law. Senior Civil Judge, Bodhan, 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

16th August 2016.

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