

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.340 of 2016

ORDER:

This petition is filed to withdraw O.P.No.486 of 2016 from the file of II Additional Family Court-cum-XV Additional District Judge at L.B.Nagar, Ranga Reddy and transfer the same to Judge, Family Court-cum-IV Additional District and Sessions Judge, Vijayawada.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 21.08.2013 at Vijayawada and that respondent herein is native of Srikakulam and he is residing at Hyderabad due to employment as Software Engineer. It is stated that the petitioner became pregnant and gave birth to a female child on 03.08.2014 and after desertion she is taking shelter in her parents' house. It is stated that she filed D.V.C.No.48 of 2015 before I Additional Chief Metropolitan Magistrate, Vijayawada and the same is pending and she also filed a dowry harassment case, which is pending as C.C.No.296 of 2016 before II Additional Chief Metropolitan Magistrate, Vijayawada. She further stated that she filed M.C.No.165 of 2015 before Family Court-cum-IV Additional District and Sessions Judge, Vijayawada and the same is also pending. She stated that she is unemployed and totally depending on her aged parents and her parents are not financially sound to support her monetarily. She stated, respondent intentionally filed O.P.No.486 of 2016 before XV Additional District Judge, L.B.Nagar, Ranga Reddy. She stated that female child is now aged less than two years and it is difficult for her to travel from Vijayawada to Hyderabad leaving the child. She further stated that she cannot travel alone to Hyderabad and there is no one to accompany her except her aged parents, who are not in a position to accompany her due to their health ailments. She further stated that she has to incur substantial expenditure towards traveling and for her stay at Hyderabad and that she cannot effort, which will be an

additional burden on her old parents. For these reasons, she prayed for transfer of O.P.No.486 of 2015 from XV Additional District Judge-cum-II Additional Family Court, Miyapur, Ranga Reddy to Family Court, Vijayawada.

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

4. Heard arguments. Perused affidavit filed in support of petition.

5. From the affidavit of petitioner, it is clear that two criminal cases i.e. C.C.No.296 of 2016 and D.V.C.No.48 of 2015 are pending before Metropolitan Magistrate at Vijayawada and M.C.No.165 of 2015 before Family Court, Vijayawada and respondent is attending for those cases, who is working as Software Engineer at Hyderabad and who is native of Srikakulam.

6. Advocate for petitioner submitted that petitioner is living on the mercy of her father and she has no financial support, hence, sought for transfer of O.P from Ranga Reddy to Vijayawada as she is finding it difficult to meet travel expenses.

7. Considering all these aspects and also considering convenience of wife, I feel it appropriate to transfer case from Family Court, Miyapur, Ranga Reddy to Family Court, Vijayawada by dispensing with presence of respondent-husband.

8. For these reasons, O.P.No.486 of 2016 is withdrawn from file of XV Additional District Judge-cum-II Additional Family Court, Miyapur, Ranga Reddy and transferred to Family Court-cum-IV Additional District Judge, Vijayawada, for disposal in accordance with law. Family Court-cum-IV Additional District Judge, Vijayawada shall dispense with presence of 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, the Transfer Miscellaneous Petition is ordered.
No costs. As a sequel, miscellaneous petitions, if any filed in this civil
miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 08-08-2016
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