

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.41 of 2016

ORDER:

This petition is filed to withdraw O.P.No.406 of 2015 from the file of Family Court, Vijayawada and transfer the same to Family Court, Nellore.

2. Wife filed this petition on the ground that she being a lady having no male assistance unable to attend before Family Court, Vijayawada from Nellore, which is nearly 350 KMs from her place of residence. She further stated that respondent being a male and able can attend and no prejudice will be caused, if O.P. is transferred.

3. Respondent filed counter disputing the affidavit averments of petitioner and he contended that trial has already commenced and it is at the stage of cross- examination of husband and hardly presence of wife may be necessary for one or two adjournments and as there are no connected cases at Nellore, prayed for dismissal of O.P.

4. Heard arguments.

5. Both sides submitted arguments supporting the contentions of their respective clients. I have perused the material papers including affidavit and counter affidavit of respondent. From the submissions of both sides, it is clear that trial has already commenced and it is only at the stage of cross-examination of husband, it appears that petitioner attended Family court at Vijayawadada for all the adjournments. As rightly pointed out by advocate for respondent hardly she may have to attend for

2 or 3 adjournments, however as she expressed inconvenience, I feel, by dispensing with her presence before Family Court, Vijayawada for the future adjournments, petition can be disposed of by directing Family Court, Vijayawada to expedite the trial, for which both sides agreed.

6. For these reasons, Family Court, Vijayawada is directed to expedite the trial and decide the matter, as expeditiously, as possible by dispensing with the presence of wife for each and every adjournment. However, petitioner herein shall appear as and when her physical presence is felt necessary for any specific purpose.

7. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 10-03-2016

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