

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Transfer Civil Miscellaneous Petition No.289 of 2016

ORDER:

This application is filed to withdraw F.C.O.P.No.64 of 2015 from the file of Family Court, Nellore, and transfer the same to the Family Court, Malkajgiri, Ranga Reddy District.

2. Wife filed this application. According to her affidavit, her marriage with respondent was performed on 14.08.2008 at ECIL, Hyderabad, and due to disputes, both of them are residing separately and that she is unemployed and that she, along with her baby girl, are living on mercy of her parents. She stated that she filed O.S.No.13 of 2015 seeking maintenance and the same is pending before the Family Court, Malkajgiri, Rangareddy District and that respondent had filed O.P. for divorce before the Family Court, Nellore. She stated that she apprehend danger to her life at Nellore and she has got every threat from respondent and his father and it is not safe to her to go to Nellore alone being a lady and that there is no male assistance. For these reasons, she prayed for transfer of F.C.O.P.No.64 of 2015 from the Family Court, Nellore, to the Family Court, Malkajgiri, Ranga Reddy District.

3. Respondent filed counter affidavit disputing all the affidavit averments of petitioner and contended that he is working at Bangalore and that Nellore is convenient place for him to appear in the Court. He also stated that there are no grounds to transfer the O.P. from Nellore to Ranga Reddy District.

4. Heard the arguments. Both advocates submitted their arguments supporting their respective contentions of their respective clients.

5. Considering the contentions and rival contentions and also considering the convenience of the wife, request of wife to transfer

F.C.O.P.No.64 of 2015 from the Family Court, Nellore, to the Family Court, Malkajgiri, Ranga Reddy District is considered, while dispensing with the presence of husband for every adjournment.

6. Accordingly, F.C.O.P.No.64 of 2015 is withdrawn from the file of Family Court, Nellore, and transferred to the Family Court, Malkajgiri, Ranga Reddy District, for disposal in accordance with law. The Family Court, Malkajgiri, Ranga Reddy District, shall dispense with the presence of respondent herein, i.e., husband, on each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

7. The Transfer C.M.P. is ordered accordingly. Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

S. RAVI KUMAR, J

25th July, 2016
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