

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.594 of 2015

ORDER:

This petition is filed to withdraw O.P.No.954 of 2015 from the file of Family court, City Civil Courts, Hyderabad and transfer the same to Senior Civil Judge, Kakinada, East Godavari District.

2. Wife filed this petition. According to her affidavit her marriage with respondent was solemnized on 16.04.2015 at Sri Venkateswara Kalyana Mandapam, Srinagar colony, Hyderabad as per Hindu rites and caste customs and due to family disputes she was necked out from the matrimonial home and having no option she is residing at her parents house. She stated that she filed DVC case before Project Director, District Women and Child Development Agency, East Godavari District at Kakinada and the same was taken on file and posted for counseling. She further stated that she filed MC No.46 of 2015 before V Additional Judicial First Class Magistrate, Kakinada, East Godavari District and that she has no male assistance to travel from Kakinada to Hyderabad. She further stated that respondent intentionally filed O.P.No.954 of 2015 at Hyderabad. She stated that no prejudice will be caused to respondent if O.P is transferred to Kakinada, as he is already attending Kakinada Courts in connection of DVC case and Maintenance case. For these reasons, she prayed for transfer of O.P.No.954 of 2015 from Family Court, City Civil courts, Hyderabad to Senior Civil Judge, Kakindada

3. Respondent filed counter-affidavit disputing the affidavit averments of petitioner and the main objection taken in the counter is that petitioner has brother by name M. Srinivas, who is working

at Hyderabad and petitioner can take assistance of his brother for defending OP filed at Hyderabad. He further stated that his father underwent by-pass surgery and unable to move from bed and his younger brother met with accident and he is suffering with that problem, there is no other person to take care of his family, and being elder son, it is difficult for him to go to Kakinada for the purpose of this case leaving the parents and ailing brother, hence he prayed for dismissal of the petition.

4. Heard arguments

5. Considering the contentions and rival contentions of both parties and taking the fact that two case are already pending before Kakinada Court, for which, respondent is already attending for defending those cases, I feel that the request of wife for transfer of O.P. from Hyderabad to Kakinada can be considered.

6. For these reasons, O.P.No.954 of 2015 is withdrawn from the file of Family court, City Civil Courts, Hyderabad and transferred to Senior Civil Judge, Kakinada, East Godavari District for disposal in accordance with law.

7. Accordingly, this Transfer Civil 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: 10-03-2016

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