

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.678 of 2015

ORDER:

This petition is filed to withdraw H.M.O.P.No.46 of 2015 from the file of Senior Civil Judge, Bapatla and transfer the same to Family Court, Eluru to be tried along with HMOP No.59 of 2015 and MC No.4 of 2015.

2. Wife filed this petition. According to her affidavit, her marriage was performed with respondent on 22.05.2011 at Gangaparvathi Sametha Agastheswara Swamy vari Temple (Sivalayam) at Kakimanu village of Guntur District as per Hindu rites and caste customs and that she joined respondent at her in-laws house at Kandapaturu village and thereafter she lived at Hyderabad, as respondent was working as a Software Engineer. She contended due to disputes, she is now living at her parents house and she lodged a complaint with Women Police Station, Eluru, which is registered as Crime No.19 of 2013 under Section 498-A r/w 34 of IPC and she also filed MC No.4 of 2015 before Family Court, Eluru and respondent earlier filed HMOP No.44 of 2013 before Senior Civil Judge, Bapatla for divorce but the same was withdrawn and again he filed H.M.O.P.No.46 of 2015 as a counterblast to the cases filed by her and that she has a life threat at Bapatla and that it is also difficult for her to travel from Eluru to Bapatla, which is nearly 150 KMs and she has no income to meet the transport charges also. For these reasons, she prayed for transfer of H.M.O.P.No.46 of 2015 from Senior Civil Judge, Bapatla to Family Court, Eluru.

3. Advocate for respondent has reported no objection for

transfer and submitted that the presence of respondent may be dispensed with for each and every adjournment at Family Court, Eluru as he is a employee and it will be difficult for him to secure leave.

4. Considering the reasons stated in the affidavit and also considering the submissions of advocate for respondent, H.M.O.P.No.46 of 2015 is withdrawn from the file of Senior Civil Judge, Bapatla and transferred to Family Court, Eluru for disposal in accordance with law. Family Court, Eluru shall dispose of H.M.O.P. No.46 of 2015, as expeditiously, as possible by dispensing with the presence of husband i.e., respondent herein for each and every adjournment. However, respondent herein shall appear as and when his physical presence is necessary before Family Court for any specific purpose.

5. 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: 19-02-2016

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