

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.795 of 2015

ORDER:

This petition is filed to withdraw F.C.O.P.No.2 of 2015 from the file of Family Court, Ongole, and transfer the same to Family Court, Y.S.R. Kadapa District.

2. Wife filed this petition and according to her affidavit, her marriage was performed with respondent on 27.06.2011 at St. Marks Church, Venkata Ramana Colony, Kurnool, and after the marriage due to harassment in the hands of respondent-husband she went to her parent's house and filed M.C.No.2 of 2014 before Judicial Magistrate of First Class, Jammalamadugu, and that was allowed on 03.07.2015, against which respondent filed revision before this Court and the same is pending. She stated that as a counter blast to the M.C. proceedings, respondent filed F.C.O.P.No.2 of 2015 before Family Court, Kurnool, only with a view to harass her and as she has no capacity to engage advocate, she approached High Court Legal Services Committee to provide advocate to defend her in the Criminal Revision case filed by husband before the High Court and she was accordingly provided and she is contesting the C.R.P. It is further stated that F.C.O.P.No.2 of 2015 is to be withdrawn and transferred to YSR Kadapa District in the interests of justice.

3. Respondent filed counter disputing affidavit averments of petitioner and contended that he is always ready and willing to take back his wife, but she refused to come and join him. He stated that he is working as a Fitter in a private company and getting a meager amount of Rs.8,000/- per month and it is difficult for him to get leave. He further stated that out of salary, he is paying Rs.2,500/- as maintenance and bus fare from Hyderabad to Kadapa is nearly Rs.800/- to and fro and it will take eight hours on one way and he is working in a private company in a shift system with eight hours per day and for attending Kurnool he can manage, but it will be difficult for him to attend Kadapa Court, therefore, prayed for dismissal of petition.

4. Heard both sides.

5. Both side submitted their arguments supporting respective pleadings of their parties.

6. Admittedly, both wife and husband are not residing at Kurnool, but F.C.O.P. is filed in Kurnool Court. Husband is residing at Hyderabad and wife is residing at Jammalamadugu. The only grievance of husband is that he is working in a private company and it will be difficult for him to get leave and he can manage for attending Kurnool Court because of shift system, but for going to Kadapa he has to necessarily apply for leave and that his company will not provide leave to him. He further contended that he

is getting only meager salary of Rs.8,000/- and it will be difficult for him to meet bus fare from Kurnool to Hyderabad, to and fro.

7. Considering the contentions and rival contentions of both parties and also considering the convenience of wife, I am of the view that F.C.O.P.No.2 of 2015 can be withdrawn from Family Court, Kurnool, and transferred to Family Court, Kadapa, by dispensing with the presence of husband for each and every adjournment before Family Court, Kadapa.

8. Accordingly, F.C.O.P.No.2 of 2015 is withdrawn from Family Court, Kurnool, and transferred to Family Court, YSR Kadapa District. Family Court, YSR Kadapa District, shall dispense with the presence of husband for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

9. Accordingly, transfer C.M.P. is ordered.

10. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

25th February 2016.

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