

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.77 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.253 of 2015 from the file of Family Court, Nellore, and transfer the same to Family Court, Tirupati.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 12.06.2011 at Dalmia Resorts, Tirupati, in accordance with Hindu traditions and custom and thereafter respondent filed F.C.O.P.No.253 of 2015 seeking divorce on the ground of cruelty. She contended that she is now residing at her parents' house in Tirupati on account of desertion and it is inconvenient for her to travel from Tirupati to Nellore to attend the Court proceedings at Nellore. She stated that she is exclusively dependent on her old aged parents and their financial status is not sound. She further stated that her convenience has to be taken into consideration as per the decisions of Hon'ble Supreme Court in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachana Konodia v. Anuk Konodia**^[2].

3. Respondent did not file any counter disputing the petition averments of petitioner.

4. Heard both sides.

5. Advocate for petitioner reiterated the affidavit averments of petitioner and submitted that by taking the

convenience of wife into consideration, F.C.O.P.No.253 of 2015 may be transferred from Nellore to Tirupati.

6. Advocate for respondent submitted that respondent is a government employee working at Nellore and it is difficult for him to secure leave for attending Tirupati Court in case it is transferred to Tirupati. He submitted that for any reason the request of wife is considered and the case is transferred to Tirupati, physical presence of respondent herein may be dispensed with.

7. Considering the submissions of both sides and also considering the convenience of wife, F.C.O.P.No.253 of 2015 is withdrawn from Family Court, Nellore, and transferred to Family Court, Tirupathi, for disposal in accordance with law. The Family Court, Tirupati, shall dispense with the presence of husband i.e, respondent herein for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

8. Accordingly, this transfer C.M.P. is ordered.

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

S. RAVI KUMAR, J

30th March 2016.

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[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) SC 96