

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.99 of 2016

ORDER:

This petition is filed to withdraw H.M.O.P.No.5 of 2015 from the file of Senior Civil Judge, Kovur, Nellore District and transfer the same to Family Court, Ongole.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 17.11.2007 at Ongole, and after marriage, she joined respondent and stayed with him till 2012, and during wedlock, they are blessed with a daughter in the year 2009. She stated due to change of attitude of respondent she is living at her parents' house from 2012. She further stated that respondent is working as Panchayat Secretary at Jaladanki village & Mandal, Nellore District. She stated that respondent herein filed HMOP No.5 of 2015 on the file of Senior Civil Judge, Kovur, Nellore District for divorce with false and frivolous allegations and as the daughter is studying at Ongole in B.R English Medium School, her presence is necessary at Ongole and it is difficult for her to travel from Ongole to Nellore. She further stated that she is depending financially on her parents and as there is no other person to look after the school going girl and due to the health problems, she sought transfer of O.P. from Senior Civil Judge, Kovvur, Nellore District to Family Court, Ongole.

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

4. Heard both sides.

5. Advocate for petitioner submitted that OP number is

wrongly mentioned as O.P.No.5 of 2015 instead of OP No.5 of 2016. Other side has not disputed this fact. He submitted that as respondent is working as Panchayat Secretary, at least his presence may be dispensed with in case the request of wife is considered.

6. I have perused the material papers. As seen from the record, Sai Dikshita, daughter of petitioner and respondent is studying 2nd class at Ongole as per the certificate issued by B.R. English Medium school. Wife specifically contended that her presence is necessary as there are no other persons to look after the school going girl and this fact is not disputed. Therefore, considering the convenience of wife for transfer is considered.

7. For these reasons, H.M.O.P.No.5 of 2015 is withdrawn from the file of Senior Civil Judge, Kovur, Nellore District and transferred to Family Court, Ongole for disposal in accordance with law. Family Court, Ongole shall dispense 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 felt necessary for any specific purpose.

8. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, pending in this petition, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 07-06-2016.

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