

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.286 of 2016

ORDER:

This petition is filed to withdraw O.P.No.619 of 2015 from the file of Family Court, City Civil Courts, Secunderabad, and transfer the same to Senior Civil Judge, Allagadda, Kurnool District.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 12.11.2003 at Sri Guru Raghavendra High School, Chagalamarri, Kurnool District. She stated that respondent herein filed O.P.No.619 of 2015 before Family Court, City Civil Courts, Secunderabad, seeking divorce and that it is difficult for her to travel from Chagalamarri to Secunderabad with child of eight years old, who is also suffering eye problem and underwent surgery. She further stated earlier her husband filed O.P.No.362 of 2010 at Secunderabad and that she filed Tr.C.M.P.No.285 of 2010 to transfer of that O.P.No.362 of 2010 to Allagadda and this Court was pleased to transfer the same from Secunderabad to Kurnool, but subsequently that case was withdrawn by respondent. She stated that now again respondent filed O.P.No.619 of 2015 before Family Court, Secunderabad, with a view to harass her and she prayed for transfer of that O.P. from Secunderabad to Allagadda on the ground of her convenience.

3. Respondent-husband filed counter disputing affidavit averments of petitioner and contended that

petitioner and her relatives on earlier occasion attacked him and threatened with dire consequences at Allagadda and that the same was brought to the notice of this Court at the time of hearing in Tr.C.M.P.No.285 of 2010. He further submitted that his father is old aged person of 75 years suffering from diabetes, blood pressure and other old age problems and he cannot leave him alone without any attendant. He stated that it would be hardship for him if O.P.No.619 of 2015 is transferred from Secunderabad to Allagadda.

4. Heard both sides.

5. Both sides submitted their arguments supporting the contentions and rival contentions of their respective clients.

6. I have perused the material papers including earlier order of this Court in Tr.C.M.P.No.285 of 2010. Admittedly, respondent herein filed O.P.No.362 of 2010 before Family Court, Secunderabad, for restitution of conjugal rights and on the request of wife, the said O.P. was transferred to Kurnool though wife prayed for transfer of O.P. from Secunderabad to Allagadda. This Court in view of the apprehension expressed by respondent-husband the case was transferred to Family Court, Kurnool and after transfer of the case from Secunderabad to Kurnool, it appears, husband has withdrawn O.P.No.362 of 2010 and now again filed this O.P.No.619 of 2015 for divorce.

7. Considering the convenience of wife and also

considering the apprehension expressed by respondent-husband for his safety at Allagadda, I am of the view that O.P.No.619 of 2015 can be transferred to Family Court, Kurnool, as it was done earlier.

8. Accordingly, O.P.No.619 of 2015 is withdrawn from Family Court, City Civil Courts, Secunderabad, and transferred to Family Court, Kurnool, for disposal in accordance with law.

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

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

S. RAVI KUMAR, J

7th June 2016.

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