

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.314 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.125 of 2015 from the file of Family Court, Kurnool, and transfer the same to Family Court, City Civil Court, Hyderabad.

2. Wife filed this petition. According to her affidavit, respondent-husband filed F.C.O.P.No.125 of 2015 at Kurnool seeking restitution of conjugal rights. She stated that she is a helpless woman and attending the proceedings at Kurnool with great difficulty and her physical, mental and financial position is not sound. She further stated that respondent filed F.C.O.P.No.125 of 2015 with malafide intention to trouble her though the Court at Kurnool has no jurisdiction. She stated that criminal cases are filed against each other and the report given by petitioner and report given by respondent are registered as F.I.Rs. by Hyderabad Police and pending investigation. For these reasons, she prayed for transfer of F.C.O.P.No.125 of 2015 from Kurnool to Hyderabad.

3. Respondent filed counter disputing the affidavit averments of petitioner and contended that the allegation that Family Court, Kurnool, has no jurisdiction is not correct and it is only invented for the purpose of transfer petition. He also disputed about the alleged threat. Respondent also contended that the complaint given by

him is registered as F.I.R. as per the direction of VII-Additional Chief Metropolitan Magistrate, Hyderabad, and investigation is pending with Jubilee Hills Police Station.

4. Heard arguments.

5. Admittedly, criminal cases are filed against each other and they are pending for investigation before concerned Police Station of Hyderabad.

6. Considering the convenience of wife and the fact that both parties have to attend the Court at Hyderabad in connection of criminal cases, F.C.O.P.No.125 of 2015 is withdrawn from Family Court, Kurnool, and transferred to Family Court, City Civil Court, Hyderabad, for disposal in accordance with law.

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

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

S. RAVI KUMAR, J

4th August 2016.

mar