

HON'BLE SRI JUSTICE S. RAVI KUMAR

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Tr.C.M.P. No. 225 of 2016

-
DATE: 08.07.2016

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Between:

U. Jyothi

.. Petitioner

and

U. Narasimhulu
Respondent

..

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ORDER:-

This application is filed to withdraw M.O.P.No. 82 of 2015 from the file of the Court of Senior Civil Judge, Adoni, Kurnool District and transfer the same to the Court of Senior Civil Judge, Gadwal, Mahabubnagar District.

Wife filed this application. According to her affidavit, her marriage with respondent was solemnized on 23.05.2004 as per Hindu rites and customs and they are blessed with a child by name Methri, and thereafter, there was change in the attitude of the respondent-husband and she was driven out from the house along with the child on 05.02.2010. She stated that she filed M.C.No. 6 of 2010 before the Court of Additional Judicial First Class Magistrate, Gadwal and the respondent appeared in that case and the same was partly allowed in the year 2014. She stated that she filed a complaint against the respondent under Section 498-A IPC and it was registered as C.C.No. 141 of 2010 and the respondent was convicted in that case and he preferred Crl.A.No. 142 of 2015 and the same is pending before III Additional District & Sessions Judge, Gadwal. She stated that she also filed an application to set aside the *ex parte* decree in O.P.No. 9 of 2012 on the file of the Court of Senior Civil Judge, Gadwal and the same is also

pending. She stated that she has been living with her parents and depending on them and she is facing financial hardship and she cannot meet the travel expenses from Gadwal to Adoni and that the distance between these two places is more than 200 kms. and it will be difficult for her to travel without any male support. For these reasons, she prayed to transfer M.O.P.No. 82 of 2015 from the Court of Senior Civil Judge, Adoni to the Court of Senior Civil Judge, Gadwal.

Respondent has not filed any counter.

Heard the learned counsel for both the parties.

The learned counsel for the petitioner submitted that considering the convenience of the wife, M.O.P.No. 82 of 2015 pending on the file of the Court of Senior Civil Judge, Adoni may be transferred to the Court of Senior Civil Judge, Gadwal as the respondent-husband is already attending the Court at Gadwal in connection with criminal appeal pending before the Court of

III Additional District & Sessions Judge, Gadwal.

The learned counsel for the respondent opposed the request of the wife and contended that the respondent has got life threat at Gadwal and the matter may be transferred to Family Court, Kurnool which would be convenient for both the parties.

I have perused the material papers including the affidavit filed in support of the petition. Admittedly, the respondent is attending the Court of III Additional District and Sessions Judge, Gadwal in connection with Crl.A.No. 142 of 2015. Considering the submission of the learned counsel for the respondent that the husband is apprehending some danger in respect of

Marriage O.P., by dispensing with the presence of the respondent before the Senior Civil Judge, Gadwal, the request of the wife can be considered.

For these reasons, M.O.P.No. 82 of 2015 is withdrawn from the file of the Court of Senior Civil Judge, Adoni and transferred to the Court of Senior Civil Judge, Gadwal for disposal in accordance with law. Senior Civil Judge, Gadwal shall dispense with the presence of respondent – husband for each and every adjournment, however he shall appear as and when his physical presence is felt necessary.

The petition is ordered accordingly.

As a sequel to the order of the petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

S. RAVI KUMAR,

J

08.07.2016

bcj