

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.336 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.477 of 2015 from the file of Family Court, Guntur, and transfer the same to Senior Civil Judge, Chirala, Prakasam District.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized in the year 2005 at Chinnaganjam Village as per Hindu rites and custom and that she joined respondent at Balavaripalem, Nizampatnam and that she was harassed both by respondent and his family members. She stated that she was necked out in the year 2009 and she is now residing in her parents house at Chinnaganjam. She further stated that she filed M.C.No.8 of 2015 and the same is pending before Additional Judicial Magistrate of First Class, Chirala, and she also lodged complaint and the same is pending and that respondent filed F.C.O.P.No.477 of 2015 before Family Court, Guntur, seeking dissolution of marriage. She stated that distance between Chirala and Guntur is about 100 kms. and she has no independent source of income and she is taking shelter at her parents house. She further stated that the journey time between these two places is about five hours and it is difficult for her to undertake journey for such long distance without any assistance. For these reasons, she prayed for transfer of F.C.O.P.No.477 of 2015 from Family Court, Guntur, to Senior Civil Judge, Chirala.

3. Respondent filed counter disputing the affidavit averments of petitioner and contended that he has to look after his old aged parents,

who are suffering with old age health problems and residing at Guntur. He stated that he has to attend on them for all their needs and if F.C.O.P.No.477 of 2015 is transferred to Chirala it would be inconvenient to him, therefore, prayed for dismissal of petition on the ground that there are no valid and justifiable reasons.

4. Heard both sides.

5. Both side submitted their arguments supporting the respective contentions of their clients.

6. I have perused the material papers. It is clear from the affidavit of petitioner that two cases filed by her are pending before the Courts at Chirala and respondent is already attending for those two cases, so no prejudice would be caused to respondent even if this case is also transferred to Chirala. Further, before Senior Civil Judge presence of respondent-husband is not required for each and every adjournment unlike before Family Court.

7. Considering these aspects and also considering the convenience of wife, F.C.O.P.No.477 of 2015 is withdrawn from Family Court, Guntur, and transferred to Senior Civil Judge, Chirala, Prakasam District, for disposal in accordance with law.

8. Transfer C.M.P. is ordered accordingly.

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

S. RAVI KUMAR, J

2nd September 2016.

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