

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.524 of 2017

ORDER:

This is a wife's petition, under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw O.P.No.28 of 2016 from the file of XIV Additional District Court-cum-Family Court, Vijayawada, and transfer the same to XV Additional District Court-cum-Additional Family Court, Kukatpally at Miyapur, for trial and disposal in accordance with procedure established by law.

2. I have heard the submissions of the learned counsel for the petitioner. Though the respondent is served with notice, he did not enter appearance. I have perused the material record.

3. Shorn of unnecessary details, the case of the petitioner-wife and the submissions made on her behalf are as follows:

After disputes and estrangement between the spouses, she, along with her two minor children, is residing with her parents at Kukatpally of Hyderabad. She has no income or sources of income. She is depending upon the mercy of her parents. The distance between Vijayawada and Hyderabad is more than 250 KMs. She is not in a position to undertake travel all alone from Hyderabad to Vijayawada and meet the travel, lodging and incidental expenses on the date of every adjournment of the afore-stated OP. She has to look for the assistance of one person to accompany her from Hyderabad to Vijayawada on the date of every adjournment of the said OP. In the OP filed by the husband, he stated that he is a resident of Hyderabad and that he is often visiting Vijayawada to see his parents. He intentionally filed the OP at Vijayawada only to harass the petitioner.

4. On consideration of the submissions, particularly, the submission that the wife is having custody of two minor children and that on account of her financial weakness, incapacity, lack of assistance and inability to travel alone with the minor children to the Court at Vijayawada, she is obliged to file this transfer petition seeking transfer of the husband's O.P., to the Court at Hyderabad, and the further fact that the husband is not resisting the application of the wife and is not coming forward to offer to pay the travelling, lodging and incidental expenses to the petitioner-wife and another person, who may accompany her, on the days she is required to undertake travel from Hyderabad to Vijayawada, this Court is satisfied that the petitioner's/ wife's request merits consideration and that this is a fit case to grant the relief.

5. In the result, the Transfer Civil Miscellaneous Petition is allowed and O.P.No.28 of 2016 is withdrawn from the file of XIV Additional District Court-cum-Family Court, Vijayawada, and is transferred to XV Additional District Court-cum-Additional Family Court, Kukatpally at Miyapur, for trial and disposal in accordance with the procedure established by law. The transferor Court is directed to transmit the duly indexed record to the transferee Court as expeditiously as possible and preferably within two weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

06.10.2017
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