

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TR.C.M.P.NO.402 OF 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908 (for short, 'C.P.C'), is filed to withdraw F.C.O.P.No.406 of 2016 on the file of Judge, Family Court, City Civil Court, Secunderabad, and transfer the same to the file of Judge, Family Court, Ranga Reddy District at L.B.Nagar.

2. Heard the learned counsel for the petitioner at the stage of admission.

3. The petitioner is wife of the respondent. The respondent herein filed the aforesaid F.C.O.P. under Section 13 (i), (i-a) of the Hindu Marriage Act, 1955 for divorce. The petitioner lodged a complaint against the respondent, which was numbered as C.C.No.356 of 2016 on the file of XIV Metropolitan Magistrate, L.B.Nagar, for the offence punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. She also filed M.C.No.146 of 2017 on the file of Judge, Family Court, Ranga Reddy District at L.B.Nagar, against the respondent for maintenance.

4. In the affidavit filed in support of the petition, it is stated that the petitioner has no income of her own and she is totally depending on her parents; that she is unable to attend the Court where the F.C.O.P. is pending without any assistance; and that she has a life threat in the hands of the respondent and on one occasion when she attended the Court at Secunderabad in connection the aforesaid F.C.O.P., the respondent and his

henchmen threatened her to compromise the case and she also lodged a complaint against the respondent with the police concerned and therefore, she prays to transfer F.C.O.P. to the Judge, Family Court, Ranga Reddy District at L.B.Nagar.

5. No doubt, when there is a threat, it is difficult to the party to prosecute the proceedings pending before the Court. The petitioner is attending the Court at Secunderabad in connection with F.C.O.P., since 2016 regularly and if really she faced any threat in the hands of the respondent, she would have given complaint against him to the Presiding Officer of the Court. But, no material is placed on record to substantiate the same. The reason stated by the petitioner to transfer case is not tenable. Therefore, there are no grounds to withdraw and transfer the case. However, liberty is given to the petitioner whenever she attends the Court at Secunderbad in connection with aforesaid F.C.O.P., if she is facing any threat from the respondent, the petitioner can approach the Presiding Officer concerned, who will provide police protection to her subject to bearing expenses.

6. Accordingly, the Transfer Miscellaneous Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

M. SATYANARAYANA MURTHY, J

JUNE 23, 2017
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THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Date: 23.06.2017

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