

THE HON' BLE DR. JUSTICE B.SIVA SANKARA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION Nos.577, 580 AND
300 OF 2017

COMMON ORDER:

The Tr.C.M.P.Nos.577 and 580 of 2017 are filed by the petitioner/ husband under Section 24 C.P.C., to transfer F.C.O.P.No.19 of 2017 and M.C.O.P.No.29 of 2017 respectively on the file of the Family Court, Nellore, to the Principal Senior Civil Judge, Tenali, Guntur District, which are filed by the wife for restitution of conjugal rights and maintenance respectively. The Tr.C.M.P.No.300 of 2017 is filed by the wife to transfer H.M.O.P.No.185 of 2016 on the file of the Principal Senior Civil Judge, Tenali, Guntur District, to the Family Court, Nellore, which is filed by the husband for divorce.

Heard both sides.

It is the contention of the husband that there is a life threat to him at Nellore. No doubt, several complaints given by the husband are pending, but, in any of the complaints, there is no any basis but for the general and vague allegations apprehending life threat and any such incident happened to him at any point of time. His other contention is that he is aged about 58 years and suffering from several ailments and unable to travel. So far as the wife is concerned, what she claims is she

has to take care of her 14 years tenth class son begotten through her first husband.

Taking into consideration of the above facts, to sub-serve the ends of justice and to get all the pending matters before one Court, all the matters are withdrawn from the respective Courts and transferred to the Judge, Family Court, Ongole, Prakasam District, and the learned Judge can dispense with the personal appearance of the parties particularly in the M.C. under Section 126(2) Cr.P.C. if representing through advocate, unless his appearance is specifically required so to direct for giving of evidence or to participate in the proceedings. The wife is at liberty to claim interim maintenance in the M.C.O.P. or pending petitions including for any travelling expenses. Both parties are directed to appear before the Judge, Family Court, Ongole, Prakasam District, on 11.12.2017. In the meantime, the respective Courts shall transfer the said records to the Judge, Family Court, Ongole, Prakasam District.

Accordingly, all the Tr.C.M.Ps. are partly allowed.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

DR. B. SIVA SANKARA RAO, J

Date: 13.11.2017
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