

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER C.M.P.No. 16 OF 2018

ORDER:

This transfer civil miscellaneous petition under Section 24 of the Code of Civil Procedure (for short, 'C.P.C.') is filed to withdraw F.C.O.P.No.2542 of 2017, pending on the file of Family Court, L.B.Nagar, Ranga Reddy District, and transfer the same to the file of Family Court-cum-VI Additional District Judge, Kadapa to dispose of the same in accordance with law.

The petitioner is the wife and respondent is the husband. The respondent filed F.C.O.P. under Section 13(1)(ia) of the Hindu Marriage Act .

The specific ground raised by the petitioner before this Court is that she lodged report with the Mahila Police Station, Kadapa making certain allegations against the respondent. The other ground urged before this Court is that the father of the petitioner recently underwent surgery to his leg and the parents of the petitioner are aged about 56 and 54 years respectively and suffering from diabetes and other age related ailments and that the petitioner has to attend her parents at Kadapa. Therefore, it is difficult for the petitioner to appear before the Court at L.B.Nagar, Ranga Reddy District. Hence, the petitioner requested to withdraw F.C.O.P.No.2542 of 2017 from the file of Family Court, L.B.Nagar,

Ranga Reddy District and transfer the same to the Family Court-cum-VI Additional District Judge, Kadapa.

The first ground urged by the petitioner before this Court is that she lodged report with the police, but no details were mentioned in the petition or disclosed any other particulars. In the absence of any details regarding lodging of report against the respondent, FCOP cannot be withdrawn and transferred on that ground. The other ground urged before this Court that parents of the petitioner are aged about 56 and 54 years respectively and suffering from diabetes and age related ailments and she has to attend them, thereby, it is difficult for her to appear before the Court at L.B.Nagar, Ranga Reddy District. If the marital relationship is not strained, the petitioner is supposed to live with her husband and she is not required to serve her aged parents, who are suffering from ailments. That apart, no piece of evidence is produced that the parents of the petitioner are suffering from any ailments. Even otherwise, except to withdraw and transfer FCOP to the specific Court i.e. VI Additional District Judge, Kadapa, she did not express any other inconvenience in attending the Court. However, the purpose would be served, if a direction is issued to the Judge, Family Court, L.B.Nagar not to insist the petitioner's appearance except on the dates when her personal appearance is required as directed by the Judge, Family Court. If the petitioner is unable to appear before the Court due to serving

her parents, she may file an application for appointment of advocate commissioner, subject to bearing expenses and on filing such application, the Judge, Family Court may consider the request of the petitioner and pass appropriate orders. Thus, none of the grounds raised are sufficient to withdraw FCOP No.2542 of 2017 and transfer to the Court at Kadapa and the petition is liable to be dismissed..

With the above direction, the Tr.C.M.P. is dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

Date: 22.01.2018
kvrn

M.SATYANARAYANA MURTHY, J.

