

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Tr.C.M.P.No.529 OF 2016

ORDER:

The present transfer petition, under Section 24 of the Code of Civil Procedure, 1908, is filed seeking to withdraw O.P.No.797 of 2015 from the file of Judge, Additional Family Court, Visakhapatnam, and transfer the same to the file of Judge, Family Court, Srikakulam.

2. Heard Sri Uma Sankar Lokanadham, learned counsel for the petitioner - wife.

3. Despite service of notice on the respondent – husband, none appears.

4. The main grounds on which transfer is sought for by the petitioner is that three children were born out of the wedlock of the parties and the respondent driven her out from the matrimonial house, along with the children, without even paying a pie and minimum maintenance to sustain and on the other hand, he filed O.P.No.797 of 2015 on the file of Judge, Additional Family Court, Visakhapatnam, for restitution of conjugal rights and it would be difficult for her to travel to Visakhapatnam to attend the Court, as it involves expenses to be incurred, which she cannot afford and it is at a distance of 146 KM from her place of residence.

5. When the allegations levelled by the petitioner are not refuted by the respondent by entering appearance, and when, kept in

view, the aforesaid circumstances, certainly, it is desirable to accede to the request of the petitioner.

6. Hence, the present transfer petition is allowed. Consequently, O.P.No.797 of 2015 pending on the file of Judge, Additional Family Court, Visakhapatnam, is withdrawn and transferred to the file of Judge, Family Court, Srikakulam, for disposal in accordance with law. The transferee Court shall issue notices to the parties on receipt of the case bundle.

Miscellaneous Petitions, if any, pending in this transfer petition shall stand closed. There shall be no order as to costs.

April 18, 2018.
MD

A. SHANKAR NARAYANA, J

