

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.659 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P. No.126 of 2017 from the file of the Court of Additional Senior Civil Judge, Narasaraopet, and transfer the same to the Family Court, Vijayawada.

2. Heard the learned counsel appearing for both the parties and perused the material on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 29.02.2012 at Yedavalli Village of Chilakaluripet Mandal, as per the Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and respondent were blessed with two children. For one reason or other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house in Krishna District. The petitioner filed M.C.No.259 of 2017, under Section 125 of Cr.P.C., on the file of the Family Court, Vijayawada, against the respondent, seeking maintenance. While things stood thus, the respondent filed H.M.O.P. No.126 of 2017, under Section 9 of Hindu Marriage Act, on the file of the Court of Additional Senior Civil Judge, Narasaraopet, for restitution of conjugal rights between them.

4. At the time argument, learned counsel for the respondent submitted that after completion of respondent side evidence the petition is coming up for cross-examination of the petitioner.

Respondent filed Tr.C.M.P. No.762 of 2017 seeking to withdraw M.C.No.259 of 2017 from the file of the Court of Family Court, Vijayawada, and transfer the same to the Court of Additional Senior Civil Judge at Narasaraopet and the said Petition was dismissed today. If the H.M.O.P. No.126 of 2017 is transferred at this stage, it may cause much inconvenience to the respondent. As rightly pointed out by learned counsel for the petitioner, the petitioner and her children may face some problem to travel from Vijayawada to Narasaraopet on every date of adjournment.

5. Taking into consideration the facts and circumstances of the case, I am of the considered opinion that it is not a fit case to allow the Petition.

6. In the result, the Transfer Civil Miscellaneous Petition is dismissed. However, the respondent is directed to pay an amount of Rs.1,000/- to the petitioner, as and when she appear before the Additional Senior Civil Judge Court at Narasaraopet. If the respondent fails to pay the stipulated amount, he is not entitled to cross-examine the petitioner. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 15.12.2018
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