

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Transfer Civil Miscellaneous Petition No.415 of 2016

ORDER:

The petitioner-wife requesting to withdraw F.C.O.P. No.740 of 2016 from the file of XI-Additional District Judge-cum-Family Court, Kukatpally, Miyapur, Rangareddy District and to transfer the same to any Court of competent jurisdiction in Prakasam District, by exercise of powers under Section 24 of Civil Procedure Code, 1908 (for short, 'C.P.C.').

2. Heard Sri Srinivas Bodduluri, learned counsel for the petitioner, and Sri I.V. Radhakrishna Murthy, learned counsel for the respondent.

3. Learned counsel for the petitioner would submit that due to the acts of the respondent, who had dealt with the petitioner in an inhuman manner of attempting to brand her as being mentally deficient without any basis and deserted her, put her a lot of stress and agony and made her to stay with her parents at Challapalem Village, Santhanuthalapadu Mandal, Prakasam District, given up her job when she called to attend the Family Court, Miyapur, Rangareddy District, with the assistance of her father.

4. Learned counsel for the petitioner would also submit that the petitioner has to travel long distance of 375 kms to reach the Court at Miyapur from Prakasam District and without male assistance she

cannot attend the Court and thus, it would occasion severe hardship to her.

5. Learned counsel for the respondent, though, submits that the petitioner is well educated and does not need any assistance to travel and attend the Court, but the fact remains that the petitioner is staying at Prakasam District with her parents taking shelter and it would be arduous task to attend Family Court at R.R. District, travelling from Prakasam District with the assistance of her father for every adjournment. As it is clear from the affidavit that acts of the respondent appears to have even defamed her by subjecting her to humiliation and even given up her job at Hyderabad and hence the request of the petitioner can be acceded to.

6. Therefore, the Transfer Civil Miscellaneous Petition is allowed. Consequently, F.C.O.P. No.740 of 2016 from the file of XI-Additional District Judge-cum-Family Court, Kukatpally, Miyapur, Rangareddy District, is withdrawn and transferred to the file of Judge, Family Court-cum-Additional District Judge, Ongole. The Transferee Court shall issue notices to both parties on receipt of case bundle and dispose of the F.C.O.P. in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the Transfer Civil Miscellaneous Petition shall stand closed.

A.SHANKAR NARAYANA

Dt. 16.04.2018
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