

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Transfer Civil Miscellaneous Petition No.410 of 2016

ORDER:

The present Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 (for short, 'C.P.C.') by the petitioner-wife requesting to withdraw F.C.O.P. No.37 of 2016 from the file of Family Court at Nizamabad and transfer the same to the file of Judge, Family Court, R.R. District at L.B. Nagar.

2. Heard Smt. Y.L. Shivakalpana Reddy, learned counsel for the petitioner and Sri N. Krishna Sumanth, learned counsel for the respondent.

3. Learned counsel for the petitioner would submit that the respondent-husband filed F.C.O.P. No.37 of 2016 seeking decree of divorce under Section 13 (1) (i-a) & (i-b) of Hindu Marriage Act, 1955, and the petitioner shifted to Hyderabad and living with her brother for the last seven years at Hyderabad, and respondent subjected her to unabated harassment and despite intervention of elders and promising to police that he would change his attitude, but, without informing her, went to Dubai and returned four years thereafter, and when she joined matrimonial home she was subjected to harassment again and there was no change in his attitude. She was driven out, and, therefore, she even filed Calendar Case No.248 of 2007 pending on the file of Judicial Magistrate of First Class, Metpalli, Karimnagar District and also M.C. No.13 of 2007 pending

on the file of Judicial Magistrate of First Class, Metpally, Karimnagar District. On account of harassment she suffered ill-health and even undergone surgery to her Knee and only with walker she is able to move, and, therefore, it is difficult for her to attend the Family Court at Nizamabad.

4. No counter is filed by the respondent herein refuting the allegations, though, learned counsel for the respondent opposed the request, but the fact remains that the petitioner is unable to move without help of stick or walker and it would be too difficult for her to attend the Court at Nizamabad.

5. Therefore, the present Transfer Civil Miscellaneous Petition is allowed. F.C.O.P. No.37 of 2016 pending on the file of Family Court at Nizamabad is withdrawn and transferred to the file of Judge, Family Court, R.R. District at L.B. Nagar. 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
gbs