

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Tr.C.M.P.Nos.328 AND 351 OF 2016

COMMON ORDER:

The former transfer petition, under Section 24 of the Code of Civil Procedure, 1908 (for short, 'the Code'), is filed by the wife and daughter of the respondent, seeking to withdraw O.P.No.601 of 2015 from the file of Judge, Family Court, Vijayawada, Krishna District, and transfer the same to the file of Judge, Family Court, Ongole, since, F.C.O.P.No.87 of 2015, filed by the petitioners for maintenance, is pending on the file of Judge, Family Court, Ongole.

2. The latter transfer petition, under Section 24 of the Code, is filed seeking to withdraw G.W.O.P.No.652 of 2015 from the file of Judge, Family Court, Vijayawada, and transfer the same to the file of Judge, Family Court, Ongole, to try with F.C.O.P.No.87 of 2015.

3. Heard Sri I. Gopala Reddy, learned counsel for the petitioners, and Sri K. Ramakoteswara Rao, learned counsel for the respondent.

4. Learned counsel for the petitioners would submit that the petitioners are taking shelter at the house of parents of petitioner No.1 at Ongole, having been driven out from the matrimonial house by the respondent, and it has become difficult for them to travel from Ongole to Vijayawada, which involves expenses as well as male assistance to take them, as petitioner No.2 is a minor girl, aged four years, on the

date of filing of the petition, and, since, it causes hardship, it would be reasonable to transfer both the cases to the Courts at Ongole.

5. Learned counsel for the respondent strongly resisted the request contending that there is life threat to the respondent at Ongole in the hands of petitioner No.1's parents, brother, maternal uncle and their followers and when once they gave threat over phone, the respondent lodged a complaint with the Superintendent of Police, Ongole, by sending the same through registered post on 04.03.2017. Therefore, it is his submission that if not Ongole, all the cases may be transferred to Tenali of Guntur District or Guntur District proper.

6. Though, the said request of the respondent appears to be reasonable, but the fact remains that petitioner No.1 along with her minor child has to travel to even Guntur. Further, Tenali is at far off distance, as one has to pass through Guntur to reach Tenali. Further, learned counsel for the petitioners would come out clearly that petitioner No.1 has no brothers and, therefore, the allegation made by the respondent in the counter that the brother of petitioner No.1 gave a life threat to him gets falsified, so also the very story woven by the respondent.

7. The factors that favour the petitioners to accede to their request are, firstly, that petitioner No.1 has to look after petitioner No.2 and it would be difficult for her to travel to Vijayawada, not only on account of the expenditure she has to meet, but also, when viewed

that male assistance is required to accompany them whenever the case is listed at Vijayawada Courts. Second, the very fact that petitioner No.1 has no brother at all is sufficient to belie the stand taken by the respondent that there is life threat to him. Further, there is no substantial proof, except the mere allegation that a complaint was sent by registered post with acknowledgment due to the Ongole police. Therefore, the allegation made by the respondent in the counter that there is life threat to him appears to be not convincing.

8. Therefore, both the transfer petitions are allowed. Consequently, O.P.No.601 of 2015 and G.W.O.P.No.652 of 2015 pending on the file of Judge, Family Court, Vijayawada, are withdrawn and transferred to the file of Judge, Family Court, Ongole, to try with F.C.O.P.No.87 of 2015. The transferee Court shall issue notices to the parties on receipt of case bundles.

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

A. SHANKAR NARAYANA, J

April 13, 2018.
MD