

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Tr.C.M.P.No.568 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.40 of 2016 from the file of learned Principal Senior Civil Judge, Kadiri, Anantapur District, and transfer the same to the file of Judge, Family Court – cum – IV Additional District Judge, Kurnool.

2. Heard Sri Y. Jaya Raju, learned counsel for the petitioner - wife.

3. On two grounds, the present transfer is sought for. One is the petitioner, in case, goes to Kadiri to attend the O.P., there is every threat and danger to her life and her son, as she filed cases against the respondent – husband and others. The second ground is that the respondent has been regularly attending the Courts at Kurnool.

4. O.P.No.40 of 2016 is filed by the respondent – husband, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights. According to the petitioner, it is filed as a counter blast to the cases pending on the file of different Courts at Kurnool, at her initiation. F.C.M.C.No.1 of 2016 and F.C.O.P.No.23 of 2016 on the file of Judge, Family Court – cum – IV Additional District Judge, Kurnool, were filed by the petitioner.

5. The respondent, though, served with notice, has not entered appearance to refute the allegations levelled in the present petition, which constitute justifying the request.

6. When, kept in view, that the petitioner has got a son and she apprehends danger to her life and her son, in case, she attends the Court at Kadiri, and the respondent is attending the cases filed by her at Kurnool, it is desirable to accede to the request of the petitioner.

7. Hence, the present transfer petition is allowed. Consequently, O.P.No.40 of 2016 pending on the file of learned Principal Senior Judge, Kadiri, Anantapur District, is withdrawn and transferred to the file of Judge, Family Court – cum – IV Additional District Judge, Kurnool, for disposal in accordance with law. It is for the Judge, Family Court, Kurnool, to decide whether the present O.P. filed by the respondent can be taken up with F.C.M.C.No.1 of 2016 and F.C.O.P.No.23 of 2016, while disposing of the present O.P. The transferee Court is also directed to 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.

A. SHANKAR NARAYANA, J

April 18, 2018.
MD