

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.697 of 2017

ORDER :

Heard both sides.

2. In continuation to the docket order, dated 03.01.2017, the main contention in opposing the transfer petition by the husband/respondent to the transfer petition and petitioner in divorce F.C.O.P.No.62 of 2017 filed by him before the Senior Civil Judge at Avanigadda of Krishna District, is that he worked only as an LIC agent and in view of serious ailment, he is not able to concentrate on any work and he is hardly earning as LIC agent Rs.3,000/- per month and under these circumstances, travelling from Avanigadda to Hyderabad is shell down possible and doctors also advised him not to take long travels in view of major surgery to his brain and the discharge summary issued by the Doctors enclosed by him establishes the said fact. That is the main contention in opposing the transfer petition allowed on 16.11.2017 by withdrawing the F.C.O.P.No.62 of 2017 from the file of the Senior Civil Judge, Avanigadda, and transferred to Judge, Family Court, Ranga Reddy District at L.B.Nagar. Even from the very counter averment supra, it is not even his case that he is not working as LIC agent even now. It is not the earnings of the parties that is criteria in a transfer application otherwise for not an interim maintenance or legal expenses application in issue. So far as the ailment concerned, the Suraksha Hospital discharge summary, dated

31.12.2016, shows he is conscious, alert, ambulant with minimal support, having left upper limb weakness-1/5, talking orally and wound healthy at the time of discharge and it is mentioned as review after one week. There is no further medical record filed. It is clear therefrom of he is still working as LIC agent and earning and at best therefrom what to cull out is, it is very difficult to him to take the ordeal of journey from Avanigudda of L.B.Nagar for every adjournment. In fact, the very order of this Court, dated 16.11.2017, at para 5 very clearly observed that the Judge, Family Court, Ranga Reddy at L.B.Nagar, is directed to dispense with the personal appearance of the petitioner/husband to the divorce O.P., once representing through advocate unless personal appearance is required for reconciliation or for giving of evidence, as the case may be. Thereby, the order itself is taking care of such difficulty of him.

3. Having regard to the above, even on merits by consideration, there is nothing to interfere, but for reiterating and confirming the order, dated 16.11.2017, in Tr.C.M.P.No.697 of 2017.

4. Accordingly, the transfer C.M.P. is disposed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

3rd January 2018.

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