

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

TR.CMP.No.869 of 2018

ORDER :

This application is filed to transfer F.C.O.P.No.861 of 2018 on the file of Family Court, Ranga Reddy District, at L.B. Nagar to the Family Court-cum-Additional District Court, Nalgonda, Telangana.

2. In the affidavit filed in support of this application, it is stated that the said O.P. was filed by the respondent against the petitioner for dissolution of their marriage which took place on 22.02.2009 on the ground of cruelty; that petitioner had filed complaint under Section 498-A of I.P.C. before the Special Judicial Magistrate of I Class, Nalgonda and another Crime No.512 / 2016 was also registered against the family members of the respondent apart from a D.V.C. No.26/2016 at Nalgonda, and so all the cases being at Nalgonda, this case also should be transferred to Nalgonda; and that petitioner is having minor children, aged 6 and 3 years, and her mother is an old-age person and there is a life threat in the hands of the respondent and his family members.

3. Admittedly, the petitioner is employed as a Government teacher while the respondent is employed in a Software Company at Hyderabad.

4. It may be that some cases are filed by the petitioner against the respondent which are at Nalgonda, but that alone cannot be a ground

to transfer the case F.C.O.P.No.861 of 2018 from the Court at Ranga Reddy to Nalgonda, particularly when the respondent is engaged in a Software Company and would find it difficult to get leave to travel to Nalgonda every time the said F.C.O.P. is taken up, because normally the Family court would always insist on personal appearance of the parties.

5. No doubt, the petitioner has two small children, but since she is in any way living with her mother and attending to her job as a Government teacher, that cannot be a ground to transfer the O.P. to Nalgonda.

6. Therefore, I see no reason to transfer F.C.O.P.No.861 of 2018 to the Family Court-cum-Additional District Court, Nalgonda, Telangana.

7. Accordingly, the Tr.CM.P. is dismissed. No order as to costs.

8. However, it is open to the petitioner to request for exemption of her appearance in the Family Court, and if such application is made, the same may be favourably considered by the Court below subject to the petitioner co-operating for the early disposal of the said F.C.O.P.

9. As a sequel, miscellaneous petitions pending if any in this Tr.C.M.P., shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03.01.2019

Ndr/*