

Thora Ratna Devi Vs. Chikkam Sri Venkata Atchutha Chandra Mohan

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Court : Andhra Pradesh

Decided On : Apr-17-2006

Reported in : 2006(6)ALT591

Judge : L. Narasimha Reddy, J.

Appeal No. : Tr. C.M.P. No. 92 of 2006

Appellant : Thora Ratna Devi

Respondent : Chikkam Sri Venkata Atchutha Chandra Mohan

Advocate for Def. : G.V.S. Kishore Kumar, Adv.

Advocate for Pet/Ap. : G. Sudha, Adv.

Disposition : Petition allowed

Judgement :

ORDER

L. Narasimha Reddy, J.

1. The petitioner is the wife of the respondent. They are closely related even before the marriage, which took place in the year 2003. However, on account of differences between them, they are living separately. The respondent filed O.P. No. 11 of 2006 in the Family Court, Visakhapatnam against the petitioner, for

divorce. The petitioner seeks transfer of the O.P. to the Family Court, Hyderabad. She contends that ever since she was deserted by the respondent, she has been living with her parents at Hyderabad. She pleads that it would be difficult and unsafe for her to travel to Visakhapatnam to defend herself in the case.

2. The respondent filed a counter-affidavit. He states that he is an unemployed and he is under going treatment for psychiatric disorders. He contends that it would be difficult for him to travel to Hyderabad in case the O.P. is transferred.

3. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent.

4. The marriage between the petitioner and the respondent appears to have fallen in despair since its inception. Practically, there was no matrimonial life between the parties. As of now, the respondent is said to be undergoing treatment for psychiatric disorders. If that be so, it is not known as to how he can find fault with the petitioner. Be that as it may, the proceedings were to be instituted in a Court within whose jurisdiction the respondent resides. The difficulty of a woman in travelling from Hyderabad to Visakhapatnam can easily be imagined. If the physical and mental condition of the respondent is such that it does not permit him to prosecute the proceedings, the same reason applies to the filing of the O.P. also.

5. Fortheforegoingreasons,the Tr. C.M.P. is allowed and O.P. No. 11 of 2006 is transferred from the Family Court, Visakhapatnam to the Family Court, Hyderabad. After such transfer, the learned Family Court Judge shall ensure that the presence of the respondent is required only on important occasions such as the presence for reconciliation and examination of a witness.