

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.299 of 2013

ORDER:

This petition is filed to withdraw O.P.No.46 of 2012 from the file of Senior Civil Judge, Penukonda, Anantapur District, and transfer the same to Family Court, Kadapa, for trial and disposal along with M.C.No.18 of 2013 pending on the file of Family Court, Kadapa.

2. Wife filed this petition contending that she filed M.C.No.18 of 2013 before the Family Court, Kadapa, whereas respondent herein filed O.P.No.46 of 2012 before Senior Civil Judge, Penukonda, to nullify the marriage between them. She contended that both the cases have to be tried by one Court. For that reason, she prayed for transfer of O.P.No.46 of 2012 from Penukonda to Kadapa.

3. Husband filed counter disputing the affidavit averments of the petition.

4. Heard both sides.

5. Advocate for petitioner submitted that request of wife for transfer of O.P.No.46 of 2012 from Penukonda to Kadapa may be considered since both the cases are to be tried by one Court.

6. Advocate for respondent-husband submitted that the trial in M.C.No.18 of 2013 is already concluded and the Court below reserved the same 'for orders' on 20.03.2015 and therefore, the purpose for which the transfer is sought has become infructuous.

7. On the other hand, advocate for petitioner submitted that till disposal of M.C.No.18 of 2013, it has to be treated as pending. Therefore, contended that objection of the other side is not tenable.

8. As seen from the material papers, the very purpose of transfer is to try O.P.No.46 of 2012 and M.C.No.18 of 2013 together by one Court. But when the trial in M.C.No.18 of 2013 is already concluded and

reserved for orders, the contention that the matter is still pending and it can be tried jointly cannot be accepted.

9. In view of conclusion of trial in M.C. and reserving the case for orders, this petition has become infructuous. For these reasons, the petition is dismissed. No costs.

10. Miscellaneous Petitions pending, if any, shall stand dismissed.

S. RAVI KUMAR, J

10th April 2015.

pab