

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.155 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.368 of 2014 from the file of Family Court, Warangal and transfer the same to the file of Family Court, Kurnool for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 07.5.2006 at Hanamkonda as per Hindu rites and caste customs. Immediately after the marriage, petitioner joined the respondent to lead marital life. The petitioner and respondent are Doctors by profession. They stayed together for some time at United Kingdom. Out of lawful wedlock, they were blessed with a daughter. Unfortunately, bad weather prevailed in the family life of the petitioner and respondent. While so, the petitioner filed O.P. No.53 of 2012 on the file of Senior Civil Judge, Hindupur, Anantapur District for dissolution of marriage between him and the respondent. The respondent herein filed Transfer CMP No.695 of 2012 before this court to withdraw O.P.No.53 of 2012 from the file of Senior Civil Judge, Hindupur and transfer the same to the file of Family Court, Hyderabad and the said transfer petition was allowed. O.P. No.53 of 2012 was renumbered as O.P.No.791 of 2013 and the same is pending on the file of Additional Family Court, Hyderabad.

4. Today this Court dismissed the Transfer CMP No.154 of 2015 filed by the petitioner seeking transfer of O.P. No.791 of 2013 from the file of Additional Family Court, Hyderabad to the Family Court, Kurnool. The respondent-wife filed O.P. No.368 of 2014 on the file of the Family Court, Warangal for restitution of conjugal rights. The petitioner filed O.P. No.791 of 2013 for dissolution of marriage between him and the respondent. The scope of O.P. No.791 of 2013 is wider than the scope of O.P. No.368 of 2014. In order to avoid multiplicity of litigation and conflict of judgments, I am of the considered view that it is a fit case to transfer O.P. No.368 of 2014 from the file of Family Court, Warangal to the file of Additional Family Court,

Hyderabad.

5. Accordingly, the Transfer CMP is allowed. O.P. No.368 of 2014 is withdrawn from the file of Family Court, Warangal and transferred to the file of Additional Family Court, Hyderabad. However, the learned Judge, Additional Family Court, Hyderabad is hereby directed to dispose of the O.P. as expeditiously as possible. As a sequel, miscellaneous petitions pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 18.6.2015.

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