

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.256 OF 2015

-

ORDER :

This transfer petition is filed to withdraw OP No.301 of 2015 on the file of the Judge, Family Court, L.B.Nagar, Ranga Reddy District and transfer the same to the Family Court, Vijayawada, Krishna District.

It is the case of the petitioner that the respondent filed OP No.301 of 2015 against the petitioner for restitution of Conjugal Rights under Section 9 of Hindu Marriage Act, 1955 on the file of the Family Court, Ranga Reddy District, L.B.Nagar. That the marriage of the petitioner with the respondent was performed on 16.03.2003 in Sri Venkateshwara Swamy Vari Temple, Labbipet, Vijayawada as per Hindu rites and caste customs in the presence of elders and well wishers. The marriage was also consummated and out of their wedlock, they were blessed with a female child Yashaswi on 01.07.2004 and male child Harshavardhana Raju on 20.08.2006. In the month of March, 2005, the petitioner got employment in Government Service and posted at Vijayawada in Commercial Tax Department. The respondent used to insist her to apply for leave with an intention that she should be removed from service. The petitioner got transferred to Hyderabad on deputation. Though they lived together at Hyderabad, he used to harass the petitioner and her parents and forced her to stay at Vijayawada. Now, the petitioner is working at Vijayawada. Vexed with the attitude of the respondent, petitioner filed OP No.965 of 2014 for dissolution of marriage on the file of the Family Court, Vijayawada. Thereafter, the respondent filed OP No.301 of 2015 for restitution of conjugal rights, which is pending on the file of the Family Court, at L.B.Nagar, Ranga Reddy District. Therefore, the

petitioner is unable to attend the Court at L.B.Nagar, Ranga Reddy District leaving the children at Vijayawada. There are no male assistants to the petitioner. The father of the petitioner had retired and is suffering with severe Arthritis.

Though notice is ordered and served on the respondent by way of substitute service, no counter affidavit is filed by the respondent and there is no appearance on his behalf.

Heard learned counsel for the petitioner.

The averments made in the affidavit are not rebutted and there is no opposition from the respondent. The facts referred to above goes to show that the petitioner is working at Vijayawada, having children and she expressed her inability to attend the Family Court at Ranga Reddy District in OP No.301 of 2015 leaving her old aged parents.

In view of the facts and circumstances, OP No.301 of 2015 on the file of the Judge, Family Court, L.B.Nagar, Ranga Reddy District is transferred to the Court of Judge, Family Court, Vijayawada, Krishna District, to be tried along with OP No.965 of 2014, which is filed by the petitioner, in order to avoid conflicting judgments as the dismissal of one petition results in allowing of another petition.

Accordingly, the Tr.CMP is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

25.11.2015
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.256 OF 2015

Date: 25.11.2015

kvs