

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CMP.No.133 of 2014

Date:27.01.2015

Between:

Syed Husnara Begum

.... Petitioner.

AND

Syed Sabir Ahmed Jilani

....Respondent.

The Court made the following:

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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Tr.CMP.No.133 of 2014

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ORDER:

This petition is filed to withdraw F.C.O.P.No.318/2013 from Family Court, Guntur to Family Court, Ongole, Prakasam District.

2. Wife filed this application on the ground of convenience. According to her, she filed F.C.O.P.No.9/2014 and the same is pending before Family Court, Ongole and respondent is defending the said case. According to her affidavit, she gave a complaint to police for offence under Section 498-A IPC and police filed charge sheet and respondent is yet to appear in that criminal case.

She contended that as both the F.C.O.Ps for restitution of conjugal rights and maintenance have to be decided by one Court to avoid conflicting decisions considering her convenience, the F.C.O.P at Guntur may be transferred to Family Court Ongole.

3. Other side opposed the application on the ground that because of the attitude of the petitioner, respondent/husband lost his job at Delhi and now he is staying at Guntur and he has got life threat at Ongole.

For these reasons, he opposed the transfer application.

4. Heard arguments of both sides and I have also perused the material papers filed along with the transfer petition.

5. Both parties levelled allegations and counter allegations against each other and from the material papers, it is clear that there are misunderstandings between both the parties and several cases are filed against each other.

It is true that the F.C.O.P., for maintenance filed by wife and the restitution of conjugal rights petition filed by husband have to be decided by one Court to avoid conflicting opinions because allegations and counter allegations in these two cases are one and the same. From the material, it is also clear that a criminal case for the offence under Section 498-A IPC is registered against the respondent/husband on the complaint of the petitioner and in that case, husband is yet to appear. Now without going into the correctness of the allegations and counter allegations of both parties, I feel that by taking the convenience of the wife and also the fact that F.C.O.P for maintenance is pending before the Family Court, Ongole, the F.C.O.P for restitution of conjugal rights can be transferred from Guntur to Ongole by directing the Family Court, Ongole to dispense with the presence of husband for each and every adjournment and to decide the same within a stipulated time.

6. For these reasons, F.C.O.P.No.318/2013 is withdrawn from Family Court, Guntur and transferred to Family Court,

Ongole, Prakasam District to be tried along with F.C.O.P.No.9/2014 by dispensing with the presence of the husband for each and every adjournment in both the F.C.O.Ps. However, he shall appear as and when the trial Court feels that his physical presence is necessary for any specific purpose. Family Court, Ongole shall dispose of the F.C.O.Ps., within six months from the date of receipt of records from Guntur.

7. Tr.CMP is ordered accordingly and as a sequel, miscellaneous petitions, if any, pending in this petition, shall stand dismissed. No costs.

JUSTICE S. RAVI KUMAR

Date:27.01.2015

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