

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.371 of 2013

ORDER:

This petition is filed to withdraw O.P.No.346 of 2013 from the file of Family Court, Secunderabad and transfer the same to Family Court, Visakhapatnam to be tried along with G.O.P.No.682 of 2010.

2. Petitioner herein is wife and she filed her affidavit in support of the petition, according to which, her marriage with first respondent was performed on 12.08.1998 and as there were no issues, there was a proposal to adopt second respondent herein and accordingly they approached Project Director, Child Development Agency, DRDA, Visakhapatnam and took one orphan child from Sisuvihar, thereafter disputes arose and she filed O.P.No.682 of 2010 seeking custody of the baby and the same is pending before Family Court, Visakhapatnam and that respondent/husband filed O.P No.346 of 2013 in Secunderabad to permit him to adopt child by completing the formalities and to declare that he is the adopted father and that the child is at Visakhapatnam and both petitions have to be decided by one Court, therefore the O.P filed by husband has to be transferred from Secunderabad to Visakhapatnam. It is further contended that husband is also residing at Viskhapatnam but intentionally O.P is filed at Secunderabad to harass petitioner/wife.

3. In spite of service of notice, first respondent/ husband neither appeared in person nor through any advocate. Other respondents are only proforma parties.

4. Heard arguments.

5. Advocate for petitioner submitted that all the other family cases are settled and these two cases are alone pending and both the cases have to be tried by one Court to avoid conflicting decisions. He submitted that all the parties are residents of Visakhapatnam, therefore it is convenient, if all the cases are decided by Family Court, Visakhapatnam.

6. Considering the reasons stated in the affidavit of petitioner/wife and also considering the convenience of parties, O.P No.346 of 2013 is withdrawn from the file of Family Court, Secunderabad and transferred to Family Court, Visakhapatnam to be tried along with G.O.P.No.682 of 2010.

7. Accordingly, the Transfer Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 27.02.2015.
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