

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.701 OF 2015

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ORDER :

This transfer petition is filed to withdraw OS No.1218 of 2015 instituted by the respondent/husband on the file of Judge, Family Court, Ranga Reddy District for grant of divorce, to transfer the same to the Court of Judge, Family Court, at Secunderabad to be tried along with O.P.No.732 of 2015 filed by the petitioner/wife for restitution of conjugal rights.

2. It is the case of the petitioner that both OPs have to be tried together to avoid conflicting judgments, as such, the present Transfer petition is filed.

3. Though notice is ordered and served on the respondent, there is no appearance and no counter affidavit is filed by the respondent opposing the petition.

4. Heard learned counsel for the petitioner.

5. Since OP filed by the petitioner/wife is for restitution of conjugal rights and OP filed by the respondent for grant of divorce, both have to be tried together in order to avoid conflicting of judgments. Moreover, both the petitions have been instituted nearer to Hyderabad City, there will not be any inconvenience to both parties, if one OP is transferred to the other Court. Moreso, the Hon'ble Supreme Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] held that in transfer of matrimonial proceedings initiated by the husband against wife, it is the convenience of wife that has to be looked at.

In view of the facts and circumstances, the Tr.CMP is allowed and OS No.1218 of 2015 on the file of the Judge, Family Court, Ranga Reddy District, is transferred to the Court of Judge, Family Court, Secunderabad to be tried along with O.P.No.732 of 2015. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

31.12.2015
kvs

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[\[1\]](#) AIR 2002 SUPREME COURT 396