

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.53 OF 2014

ORDER:

This transfer C.M.P. is filed by the petitioner-husband for transfer of M.C.No.327 of 2013 pending on the file of the Additional Family Court Judge, Hyderabad to the Court of Judge, Family Court, Hyderabad to be tried along with O.P.No.1392 of 2012 pending on the file of the Judge, Family Court, Hyderabad.

The case of the petitioner is that his marriage is solemnized with the respondent on 16.06.2002 as per Hindu customs and rites in Secunderabad. Thereafter, some disputes arose between the petitioner and the respondent and they are living separately. The petitioner-husband filed O.P.No.1392 of 2012 for divorce and the respondent-wife filed M.C.No.327 of 2013 seeking maintenance to herself and her daughter.

The learned counsel for the petitioner submits that the parties in both the cases are one and the same and in order to avoid conflicting judgments and to avoid multiplicity of proceedings in both the courts, they have to be clubbed and tried together.

Though notice is served on the respondent, no counter affidavit is filed.

It has to be seen from the record that O.P.No.1392 of 2012 filed by the petitioner-husband and M.C.No.327 of 2013 filed by the respondent-wife are not in the same court. Since parties to both the cases are one and the same, for the convenience of both the parties, I think that it would be proper to direct the Chief Judge, City Civil Court, Hyderabad either to transfer M.C.No.327 of 2013 pending on the file of the Judge, Additional Family Court, Hyderabad to the file of the Judge, Family Court, Hyderabad or to transfer O.P.No.1392 of 2013 pending on the file of the Judge, Family Court, Hyderabad to the file of the Judge, Additional Family Court, Hyderabad, as per convenience.

Accordingly, the Transfer C.M.P. is disposed of. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY J.,

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Dt.26.11.2015