

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No.610 of 2015

ORDER:

-

This petition is filed by the petitioner/wife to withdraw OP.No.1098 OF 2015 pending on the file of Family Court, L.B.Nagar, Ranga Reddy District filed by the respondent/husband against the petitioner/wife for restitution of conjugal rights and transfer the same to Family Court, City Civil Court, Hyderabad, on the ground that petitioner already filed OP.NO.1007 of 2015 for grant of divorce against the respondent before the said Court and after receiving the summons in the said OP, the respondent filed the present OP No.1098 of 2015.

Though notices ordered and sent to the respondent, the same was returned with an endorsement that same is 'unclaimed'. As such, notice is deemed to be served.

Learned counsel for the petitioner submits that OP for restitution of conjugal rights and OP for divorce have to be tried together to avoid conflicting judgments.

Since no counter affidavit is filed and averments made in the transfer CMP are uncontroverted and in view of the facts and circumstances, I deem it proper that OP.No.1098 of 2015 is liable to be transferred to Family Court, City Civil Court, Hyderabad to be tried along with O.P.No.1007 of 2015.

Accordingly, the Transfer CMP is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

19-11-2015

Nvl

