

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.734 of 2014

ORDER:

This petition is filed to withdraw H.M.O.P.No.40 of 2013 from the file of Senior Civil Judge, Srikalahasti, Chittoor District, and transfer the same to Family Court, Nellore.

2. Wife filed this petition and according to her affidavit, she filed F.C.O.P.No.252 of 2013 for maintenance and the same is pending before Family Court, Nellore, and respondent filed H.M.O.P.No.40 of 2013 for restitution of conjugal rights before Senior Civil Judge, Srikalahasti and both the cases have to be tried together and for that reason, she prayed for transfer of H.M.O.P.No.40 of 2013 from Srikalahasti to Nellore.

3. Respondent has not filed any counter.

4. Heard both sides.

5. Advocate for petitioner submitted that respondent is attending Family Court, Nellore and defending F.C.O.P.No.252 of 2013 and no prejudice would be caused if H.M.O.P.No.40 of 2013 is tried by the same Court. Advocate for respondent submitted that as the marriage was held at Srikalahasti, respondent filed H.M.O.P.No.40 of 2013 before Senior Civil Judge, Srikalahasti and presence of petitioner-wife is not necessary for each and every adjournment and she can appear at the time of giving evidence, therefore, the contention of convenience is not tenable.

6. I have perused the material papers filed along with transfer C.M.P.

7. As seen from the material, petitioner filed F.C.O.P.No.252 of 2013 for maintenance and respondent filed H.M.O.P.No.40 of 2013 for restitution of conjugal rights. As rightly pointed out by advocate for petitioner, both the cases have to be tried by one Court to avoid

conflicting decisions. Considering the submissions of both sides and affidavit of petitioner, I feel that the request of petitioner can be considered.

8. For these reasons, H.M.O.P.No.40 of 2013 is withdrawn from Senior Civil Judge, Srikalahasti, and transferred to Family Court, Nellore, to be tried along with F.C.O.P.No.252 of 2013, in accordance with law.

9. Accordingly, transfer C.M.P. is ordered. No costs.

10. Miscellaneous Petitions pending, if any, shall stand dismissed.

S. RAVI KUMAR, J

31st March 2015.

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