

HONOURABLE SRI JUSTICE S.RAVI KUMAR

Tr.CMP.No.549 of 2014

-

ORDER:

-

This petition is filed to withdraw OP.No.542 of 2014 from Family Court, Vijayawada and transfer the same to Family Court, City Civil Court, Hyderabad to be tried along with O.P.No.819 of 2014.

Wife filed this application and according to her affidavit, her marriage was performed with respondent on 07.07.2007 at Visakhapatnam and due to harassment both mentally and physically from the respondent she filed O.P. for dissolution of marriage before Family Court, Hyderabad and the same is pending as O.P.No.819 of 2014 and that she also filed Criminal Case for the offence punishable under Section 498-A IPC and the same is pending as C.C.No.180 of 2014 before the XIII Additional Chief Metropolitan Magistrate, Hyderabad and suppressing these facts, respondent filed O.P.No.542 of 2014 before Family Court, Vijayawada for restitution of conjugal rights. She contended that there is no security for her at Vijayawada and she would get mental disturbance. It is further contended that both the cases have to be tried by one Court to avoid conflicting judgments and also for convenience of parties O.P. pending before Family Court, Vijayawada has to be transferred to Family Court, City Civil Court, Hyderabad.

Respondent inspite of service of summons neither appeared in person nor through any advocate.

Heard arguments.

Advocate for petitioner submitted that the respondent is attending Family Court, City Civil Court, Hyderabad and also Criminal Court in connection of divorce O.P. and the 498-A IPC case, no prejudice will be caused to him if the

O.P. is withdrawn from Vijayawada and transferred to Hyderabad. It is further submitted that O.P. before Family Court, City Civil Court, Hyderabad is at the stage of reconciliation.

I have perused the material papers filed along with the transfer petition.

Considering the reasons stated in the affidavit of the petitioner O.P.No.542 of 2014 is withdrawn from Family Court, Vijayawada and transferred to Family Court, City Civil Court, Hyderabad to be tried along with O.P.No.819 of 2014, pending before Family Court, Hyderabad.

Transfer Petition is ordered accordingly. No costs.

Miscellaneous petition, if any, shall stand closed.

JUSTICE S.RAVI KUMAR

Dt.16th April, 2015

PNV