

HONOURABLE SRI JUSTICE S.RAVI KUMAR

Tr.CMP.No.602 of 2014

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ORDER:

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This petition is filed to transfer O.P.No.97 of 2015 from Family Court, Secunderabad to Family Court, Hyderabad to be tried along with O.P.No.1492 of 2013.

Husband filed this application and according to his affidavit, he filed O.P.No.1492 of 2013 for divorce before Family Court, Hyderabad but wife subsequently filed O.P.No.97 of 2014 for the same relief before Family Court, Secunderabad and both the cases have to be tried together as the issues involved in both the cases are one and the same. He further stated that to avoid conflicting judgments, these two cases have to be tried in one Court and for that reason, he prayed for transfer of said O.P. from Family Court, Secunderabad to Family Court, Hyderabad.

Respondent has not filed any counter disputing the affidavit averments of the petitioner.

Heard both sides.

I have perused the material papers and also affidavit of the petitioner. Here convenience is not the issue, therefore relief has to be considered as per provisions of Hindu Marriage Act.

As per Section 21-A of Hindu Marriage Act (for short, the Act), when two petitions are filed under Section 13 of the Act for a decree of divorce in different Courts the petition presented later shall be transferred to the Court in which the earlier petition was pending for a

common disposal. As seen from the affidavit, the petitioner herein filed O.P. first before Family Court, Hyderabad which is numbered as O.P.No.1492 of 2013, whereas wife filed O.P. for divorce subsequent to filing of the petition by husband which is numbered as O.P.No.97 of 2014. Therefore, in view of the provisions under Section 21-A of the Act, the request of the petitioner can be considered to avoid conflicting judgments.

For these reasons, O.P.No.97 of 2014 is withdrawn from Family Court, Secunderabad and transferred to Family Court, Hyderabad to be tried along with O.P.No.1492 of 2013. Transfer Petition is ordered accordingly. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

JUSTICE S.RAVI KUMAR

Dt.16th April, 2015

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