

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.371 of 2014

ORDER:

This petition is filed to withdraw H.M.O.P.No.15 of 2014 from the file of Senior Civil Judge, Mahabubnagar at Wanaparthi and transfer the same to Family Court, Ranga Reddy District for disposal in accordance with law.

2. Petitioner herein is wife and she filed her affidavit in support of petition. She contending that respondent/husband herein filed H.M.O.P.No.15 of 2014 before Senior Civil Judge, Wanaparthi, Mahaboobnagar District for restitution of conjugal rights and it is difficult for her to appear before Senior Civil Judge, Wanaparthi as she is residing with her mother at Injapur, Hayathnagar, Ranga Reddy District and that she has no male assistance to escort her to Wanaparthi. She further contended that she filed F.C.O.P.No.201 of 2012 before Family Court, Ranga Reddy District, and after completion of evidence, when it is coming up for evidence of respondent, the present restitution of conjugal rights petition is filed and as the respondent is already attending proceedings before the Family Court, Ranga Reddy, it may not cause any prejudice to him, if O.P.No.15 of 2014 is transferred. On these grounds, she prayed for transfer of H.M.O.P.No.15 of 2014 from Senior Civil Judge, Wanaparthi to Family Court, Ranga Reddy District.

3. Respondent has not filed any counter.

4. Heard both sides.

5. Advocate for respondent/husband submitted that respondent has no objection for transfer but let the H.M.O.P.No.15 of 2014 filed by husband and F.C.O.P.No.201 of 2012 filed by wife may be tried together to avoid conflicting decisions.

6. I have perused the material papers and also copies of the petitions filed by respondent herein for restitution of conjugal rights. Admittedly, petitioner herein filed Family Court O.P No.201 of 2012 for dissolution of marriage and the same is pending before Family Court, Ranga Reddy District and subsequent to that, respondent filed H.M.O.P.No.15 of 2014 for restitution of conjugal rights. As rightly pointed out by advocate for respondent, these two matters have to be tried by one

Court, so that contentions and rival contentions of both parties, which are common in both the applications, can be appreciated properly.

7. Considering the submissions of both sides and affidavit of petitioner, I feel that the request of petitioner/wife can be considered.

8. For these reasons, H.M.O.P.No.15 of 2014 is withdrawn from the file of Senior Civil Judge, Wanaparthi, Mahabubnagar District and transferred to Family Court, Ranga Reddy District for disposal in accordance with law.

9. Accordingly, the Transfer Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 02.04.2015.

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