

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.462 OF 2015

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ORDER:

This transfer petition is filed to transfer OP.No.358 of 2015 on the file of the Judge, Family Court, Secunderabad to the Court of II Additional district Judge, Nalgonda at Suryapet to try along with OP.No.229 of 2014.

The case of the petitioner is that on 11.04.2014, the respondent herein had forcibly taken her to Sub-Registrar's office, Secunderabad stating mesmerising words and married her forcibly without her consent and that they never lived together not even for one day and the said marriage is not consummated. As such, the petitioner filed OP.No.229 of 2014 on the file of II Additional District Judge, Nalgonda at Suryapet, narrating the forcible acts and fraud played by the respondent and sought for dissolution of marriage. After filing of the said OP by the petitioner, the respondent filed OP.No.358 of 2015 on the file of Judge, Family Court, City Civil Court at Secunderabad, seeking decree of restitution of conjugal rights. While so, when the petitioner came alone to Secunderabad, to appear in-person in OP.No.358/2015 before the Family Court on 14.07.2015, the respondent publicly threatened the petitioner shouting that he would kill her and her family. The petitioner further states that as her father is a government employee, it is not possible for him to accompany her to Hyderabad to attend the Court proceedings frequently and that she has no relatives in Hyderabad. It is also stated that since the subject matter in OP.No.229 of 2014 filed by her seeking dissolution of marriage and OP.No.358 of 2015 filed by the respondent seeking restitution of conjugal rights is one and the same, it is essential to adjudicate both the matters by clubbing them together to avoid conflict of decisions. As such, she filed the present petitioner seeking transfer of OP.No.358 of 2015 on the file of Judge, Family Court, Secunderabad to the Court of II Additional District Judge, Nalgonda at Suryapet, to be tried along with OP.No.229 of 2014.

Though notice is ordered and served on the respondent, there is no appearance and no counter affidavit is filed by the respondent.

Heard learned counsel for the petitioner.

Since the averments made in the affidavit are not rebutted and there is no opposition from the respondent and in view of the facts and circumstances referred above, I am of the opinion that OP.No.358 of 2015 on the file of Judge, Family Court, Secunderabad is liable to be transferred to the II Additional District Court, Nalgonda at Suryapet to be tried along with OP.No.229 of 2014.

Accordingly, the Tr.CMP is allowed. No costs. As a sequel thereto, miscellaneous petitions if any pending shall stand closed.

A.RAJASHEKER REDDY, J

05.11.2015

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