

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TRANSFER CRIMINAL PETITION No.15 of 2013

ORDER:

Heard learned counsel for the petitioner and the learned Public Prosecutor on behalf of the 1st respondent. None appears for the 2nd respondent and there is also no representation on behalf of 2nd respondent, when her name was called out.

This petition has been filed seeking transfer of M.C.No.8 of 2011, which is now pending on the file of Family Court-cum-Additional District & Sessions Judge, Mahabubnagar to the Family Court at Vijayawada, Krishna District. Though several reasons have been set out, however, I am informed that O.P.No.26 of 2011 filed by the 2nd respondent on the file of the Family Court at Mahabubnagar seeking divorce from the petitioner herein has in fact been transferred to the Family Court at Hyderabad, by an order passed by this Court on 12.08.2013 in Transfer C.M.P.727 of 2012. In that view of the matter, the present M.C.No.8 of 2011 instituted by the 2nd respondent herein on the file of Family court, Mahabubnagar shall also be transferred to the Family Court at Hyderabad instead of Family Court at Vijayawada. The only reason for the petitioner to seek the transfer of this case to Vijayawada is that he comes from that particular place, whereas the petitioner and the 2nd respondent appeared to have been married on 06.08.2009 at Yadagiri near Hyderabad.

In these set of circumstances, if the M.C.No.8 of 2011 is transferred from Mahabubnagar to Hyderabad, it would be convenient for both the petitioner and the 2nd respondent, who instituted the said case, to properly prosecute the said case.

Accordingly, this transfer criminal petition is allowed and M.C.No.8 of 2011 pending on the file of Family Court, Mahabubnagar shall stand transferred immediately to Family Court at Hyderabad and it shall be open to the Family Court to try the M.C. as well as the

divorce O.P. either jointly or separately depending upon the convenience of the parties and the Court.

Consequently, miscellaneous petitions, if any pending shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

24.06.2015

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