

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.42 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.14 of 2014 from the file of the Senior Civil Judge Court, Avanigadda, Krishna District, and transfer the same to the file of the Judge, Family Court, at Guntur, Guntur District, to try along with divorce petition F.C.O.P.No.196 of 2014.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the respondent was performed with the petitioner on 01.09.2010 at Arya Vysya Kalyana Mandapam, Challapalli of Challapalli Mandal, Krishna District, as per Hindu rites and caste customs. Immediately after the marriage, the respondent joined the petitioner to lead marital life. The petitioner and respondent lived together for some time at Kukatpally of Hyderabad, Bangalore and other places. Now, due to disputes the petitioner and respondent have been residing separately.

4. The petitioner filed divorce O.P.No.762 of 2013 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for dissolution of marriage between him and the respondent. The respondent filed F.C.O.P.No.196 of 2014 on the file of the Family Court, Guntur seeking maintenance from the petitioner and the same is pending. The respondent filed Transfer CMP No.364 of 2014 before this Court seeking to withdraw O.P.No.762 of 2013 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar and transfer the same to Family Court, Guntur, and the same was allowed on 22.12.2014. As on today, F.C.O.P.No.196 of 2014 and divorce OP (Old No.762 of 2013) are pending on the file of the Family Court, Guntur. The respondent filed H.M.O.P.No.14 of 2014 on the file of the Senior Civil Judge Court, Avanigadda, Krishna District, against the petitioner for restitution of conjugal rights. For better appreciation, it is appropriate to refer the address of the respondent as

shown in H.M.O.P.No.14 of 2014 on the file of the Senior Civil Judge Court, Avanigadda.

“Address and Description of the petitioner:

Bhogadhi Anitha, W/o.Murali, D/o.Badarla Ratnakara Rao,
Hindu, aged about 32 years, R/o.Door No.8-11-3 Kirthi Nivas,
Nehru Nagar, 7th Lane, Guntur, Pr.Jr.C.J.Court, Guntur.

ADDRESS FOR SERVICES OF NOTICES ETC., IS:

Sri VALLABHANENI RAMA RAO, M.Com.LL.B.,
Sri BADE VENKATA SESHAGIRI RAO, B.Com.,B.L.,
Advocates, Avanigadda – 521 121.”

Even as per the recitals of H.M.O.P.No.14 of 2014, the respondent is resident of Guntur and not Avanigadda. The respondent herself filed Tr.C.M.P.No.364 of 2014 seeking transfer of F.C.O.P.No.762 of 2013 from Hyderabad to Guntur on the ground that she has been residing at Guntur. If the respondent has been residing at Guntur, how she filed divorce petition at Avanigadda is not explained properly. The scope of O.P.No.762 of 2013 is more wider than the scope of H.M.O.P.No.14 of 2014. If both matters are tried by two different courts, then there is every possibility of conflicting of judgments. In order to avoid conflicting judgments and also in the interest of both parties, this Court is of the considered view that it is better to transfer H.M.O.P.No.14 of 2014 from the file of Senior Civil Judge Court, Avanigadda, Krishna District to the file of the Family Court, Guntur. If the petition is not allowed, the petitioner has to attend the Courts at Guntur as well as Avanigadda, Krishna District. The respondent also has to attend the Court at Guntur and Avanigadda.

5. Having regard to the facts and circumstances of the case, I am of the considered view that it is fit case to allow the petition.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.14 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Avanigadda, Krishna District, and transferred to the file of the Family Court, Guntur, Guntur District. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

Date:24.06.2015.

Rns