

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CMP. No.330 of 2016

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ORDER:

This application is filed to withdraw O.S.No.262 of 2015 from Principal Junior Civil Judge, Siddipet, Medak and transfer the same to Family Court, Hyderabad.

2. Wife filed this application. According to her affidavit, her marriage was performed on 12.10.2012 with respondent at Choice Function Hall as per their caste custom. It is stated that she joined her husband at Siddipet and she was blessed with a female child, who is now 2½ years old. It is stated that respondent and his family members harassed her both physically and mentally and she was forced to leave marital home due to harassment. It is stated that she is residing with her parents at Hyderabad and when she left marital home, she was carrying eight month pregnancy. She stated as respondent is not providing any maintenance and she filed M.C.No.371 of 2015 and the same is pending adjudication. It is stated that respondent filed above suit by creating wrong cause of action contending that marriage was performed at Siddipet. It is stated that she cannot travel from Hyderabad to Siddipet which is more than 100 K.M. for the purpose of defending suit filed by respondent. Further it is stated that respondent is a government employee and earning more than Rs.50,000/- and defending maintenance case filed by her. For these reasons, she prayed for transfer of O.S.No.262 of 2015 from Principal Junior Civil Judge, Siddipet, Medak to Family Court, Hyderabad.

3. This Court permitted petitioner to take out personal notice to respondent through registered post acknowledgment due and file proof of service. In compliance of said order, advocate for petitioner filed memo on 04.07.2016 stating that personal notice was sent to respondent through registered post and the same is served and filed postal acknowledgment along with memo.

4. In spite of service of notice, respondent neither appeared in person nor through any advocate.

5. Heard arguments of advocate for petitioner.

6. Considering the reasons stated in affidavit and also considering convenience of wife, O.S.No.262 of 2015 filed for restitution of conjugal rights is withdrawn from Principal Junior Civil Judge, Siddipet, Medak and transferred to Family Court, Hyderabad.

7. Petition is, accordingly, ordered. No order as to costs.

8. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE S. RAVI KUMAR

Date:08.07.2016
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