

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.493 of 2016

ORDER:

This petition is filed to withdraw O.P.No.1608 of 2015 from Additional Judge, City Civil Court, Hyderabad and transfer the same to XIV Additional District Judge, Vijayawada to be tried along with O.P.No.568 of 2016.

2. Wife filed this application. According to her affidavit, her marriage with respondent was solemnized on 13.05.2011 at Vijayawada as per Hindu rites and customs and respondent herein filed O.P.No.1608 of 2015 before Additional Family Court, Hyderabad seeking divorce and that she filed O.P.No.568 of 2016 before XIV Additional District Judge-cum-Family Court, Vijayawad for restitution of conjugal rights. She stated that she is a house wife and depending on her parents, whereas respondent is a Director of Yeluru Pharmaceuticals. She stated that both these petitions have to be tried by one Court and if they are tried separately, there is every chance of recording different finding and as she cannot travel alone from Vijayawada to Hyderabad for conduct of proceedings, she prayed for transfer of O.P.No.1608 of 2015 from Additional Family Court, Hyderabad to XIV Additional District Judge-cum-Family Court, Vijayawada.

3. This Court permitted petitioner to take out personal notice to respondent through registered post with acknowledgment due. Advocate for petitioner filed memo dated 22.08.2016 stating that notice sent to respondent was served on 12.08.2016 and filed postal acknowledgment along with memo. In spite of service of notice, respondent neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. Considering reasons stated in the affidavit and also considering convenience of wife, O.P.No.1608 of 2015 is withdrawn from file of Additional Family Court, Hyderabad and transferred to XIV Additional District Judge-cum-Family Court, Vijayawada, for disposal in accordance with law to be tried along with O.P.No.568 of 2016.

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

S. RAVI KUMAR, J

Date: 26-08-2016
kvrn