

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.435 of 2015

ORDER:

This petition is filed to withdraw F.C.O.P.No.54 of 2015 from the file of Family Court, Khammam, and transfer the same to Family Court, City Civil Courts, Hyderabad.

2. Wife filed this petition and according to her affidavit, her marriage with respondent was performed on 08.01.2015 at Hyderabad as per Muslim rites and customs and subsequently she came to know that respondent had already married two women and while subsisting those marriages, married her as if it is a second marriage. She stated that she filed a private complaint before XV Additional Chief Metropolitan Magistrate, Hyderabad, and the same was referred to Women Police Station, Hyderabad, which is registered as Crime No.81 of 2015 and the same is pending. She further stated that she filed M.C.No.139 of 2015 before Additional Family Court, City Civil Courts, Hyderabad, and the same is also pending. She stated that respondent to harass her filed F.C.O.P. before Family Court, Khammam, for restitution of conjugal rights. She stated that she is unemployed and totally dependent on her parents and that respondent threatened her with dire consequences, for these reasons, she sought transfer of F.C.O.P.No.54 of 2015

from Family Court, Khammam, to the Family Court, City Civil Courts, Hyderabad.

3. This Court permitted petitioner to take personal notice to respondent through registered post with acknowledgment due and file proof of service. In compliance of the said order, a memo dated 23.02.2016 is filed stating that notice sent to respondent is returned with an endorsement 'addressee left'. Advocate for petitioner filed affidavit saying that copy of transfer petition along with affidavit was served on advocate for respondent in the lower Court, who is no other than the father of respondent, personally and obtained endorsement and a filed memo to that effect. He further stated that that on 07.08.2015 he along with petitioner and her parents went to Khammam and served copies of transfer C.M.P. and stay order granted by this Court on the counsel for respondent, Sri Davud Ali, who is no other than father of respondent, who acknowledged receipt of the same and endorsed saying 'opposed pray time to file counter as this is a restitution of conjugal life under Mohammedan law'. In spite of service of notice on counsel for respondent, who is no other than the father of respondent, he neither appeared in person nor through any Advocate opposing this application.

4. Heard arguments.

5. Considering the reasons stated in the affidavit filed

in support of the petition and also considering the convenience of wife and also the fact that there are cases pending before Additional Family Court, Hyderabad, F.C.O.P.No.54 of 2015 is withdrawn from Family Court, Khammam, and transferred to Additional Family Court, City Civil Courts, Hyderabad, for disposal in accordance with law.

6. Accordingly, transfer C.M.P. is ordered.

7. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

8th March 2016.

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