

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.504 of 2015

ORDER:

This petition is filed to withdraw O.P.No.628 of 2015 from the file of Family Court, Visakhapatnam, and transfer the same to Family Court, Vizianagaram.

2. Wife filed this application and according to her affidavit, her marriage with respondent took place on 27.02.2009 at Kothakovela Temple, Vizianagaram District, as per Hindu rites and customs and they are classmates and their marriage is a love marriage. She contended that due to differences she was necked out from the house on 30.10.2009 and thereafter respondent took her to an Advocate Office in March 2014 and got filed O.P.No.405 of 2014 under Section 13-B of Hindu Marriage Act and that she was not aware of the said petition and that she informed the same to the Court when the matter is taken up and on her statement that application was dismissed. Thereafter she filed F.C.M.C.No.4 of 2015 before the Family Court, Vizianagaram claiming maintenance of Rs.20,000/- per month and as a counter blast, her husband filed O.P.No.628 of 2015 before Family Court, Visakhapatnam only to harass her. She stated that her parents are aged and they are not in a position to assist her and that she cannot undertake journey from Vizianagaram to Visakhapatnam without any assistance and as the respondent is already attending Family Court,

Vizianagaram, for enquiry in F.C.M.C.No.4 of 2015, the O.P. filed by husband is to be transferred from Visakhapatnam to Vizianagaram for disposal in accordance with law.

3. Respondent in spite of service of notice neither appeared in person nor through any Advocate.

4. Heard arguments.

5. As seen from the record, maintenance case filed by wife is pending before the Family Court, Vizianagaram and the divorce petition filed by husband is pending before Family Court, Visakhapatnam. As rightly pointed out by advocate for petitioner that these two petitions have to be tried by one Court to avoid conflicting findings in respect of contentions and rival contentions raised on behalf of both parties. Considering the same, O.P.No.628 of 2015 is withdrawn from Family Court, Visakhapatnam and transferred to Family Court, Vizianagaram, for disposal in accordance with law.

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

7. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

18th February 2016.

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