

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer Civil Miscellaneous Petition No.704 of 2016

ORDER:

This is a husband's application, under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw O.P.No.451 of 2016 from the file of the Additional Family Court, City Civil Court, Hyderabad, and transfer the same to the Court of Additional Metropolitan Sessions Judge for Trial of Jubilee Hills Car Bomb Blast Case – cum – Additional Family Court – cum – XXXIII Additional Chief Judge – cum – IX Additional Metropolitan Sessions Judge, Nampally, Hyderabad, for trial and disposal along with M.C.No.226 of 2014 filed by the respondent-wife on the file of the latter Court.

2. I have heard the submissions of Sri J.Mohan Singh, the learned counsel for the petitioner-husband. I have perused the material record. Notice sent to the respondent-wife was returned with the postal endorsement 'unclaimed'. She has not entered appearance and is not resisting the application.

3. Considering the issues involved in both the cases filed by the respondent-wife, viz., one for award of maintenance to her and her child pending on the file of the Court at Nampally and the other seeking divorce pending on the file of the Additional Family Court, City Civil Court, Hyderabad, it is in the interest of both the parties that both the cases should be tried and disposed of by a single forum not only for the convenience of the parties but also to save their time and money and avoid conflicting findings and orders. Since the case earlier filed for maintenance is pending on the file of the Court at Nampally, this Court is of the considered view that the case instituted

later, i.e., O.P.No.451 of 2016 pending on the file of the Additional Family Court, City Civil Court, Hyderabad, can be made over to the Court at Nampally for disposal, either jointly or simultaneously, with the M.C.No.226 of 2014, as the said course sub-serves the ends of justice.

4. In the result, this petition is ordered and O.P.No.451 of 2016 is withdrawn from the file of the Additional Family Court, City Civil Court, Hyderabad, and is transferred to the Court of Additional Metropolitan Sessions Judge for Trial of Jubilee Hills Car Bomb Blast Case – cum – Additional Family Court – cum – XXXIII Additional Chief Judge – cum – IX Additional Metropolitan Sessions Judge, Nampally, Hyderabad, for trial either simultaneously or jointly along with M.C.No.226 of 2014 and disposal in accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Transfer CMP, shall stand closed.

08th December, 2016
Bvv

M. Seetharama Murti, J