

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.382 of 2015

ORDER:

This petition is filed to withdraw O.P.No.70 of 2014 from the file of Family Court, Guntur, and transfer the same to Family Court, City Civil Court, Hyderabad, to be tried along with O.P.No.578 of 2015.

2. Husband filed this petition. According to his affidavit, his marriage with respondent herein was solemnized on 22.05.2013 and he filed O.P.No.578 of 2015 before Family Court, Hyderabad and wife filed O.P.No.70 of 2014 before Family Court, Guntur, and both the matters have to be tried by one Court to avoid conflicting decisions.

3. Respondent in spite of granting time has not filed any counter.

4. Heard arguments.

5. Advocate for petitioner submitted as both the cases have to be tried by one Court either O.P. filed by wife may be transferred to Hyderabad or vis-à-vis. It is submitted that if O.P. filed by husband is transferred to try along with O.P. filed by wife, presence of petitioner herein may be dispensed with for each and every adjournment.

6. As seen from the record, wife filed O.P.No.70 of 2014 to declare that the marriage between the parties is null and void and husband filed O.P.No.578 of 2015 for restitution of conjugal rights. Admittedly, O.P. filed by wife

is earlier in point of time as it is filed in the month of February, 2014, whereas, husband filed O.P. in April, 2015. As per Section 21-A(a)(b) of Hindu Marriage Act, 1955, subsequent application has to be transferred. Considering the same, O.P. filed by husband i.e., O.P.No.578 of 2015 is withdrawn from Family Court, City Civil Court, Hyderabad, and transferred to Family Court, Guntur, to be tried along with O.P.No.70 of 2014. The Family Court, Guntur, shall dispense with the presence of petitioner herein i.e., husband, for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

7. Accordingly, this transfer C.M.P. is ordered.

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

S. RAVI KUMAR, J

10th June 2016.

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