

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.4 of 2016

ORDER:

This application is filed to withdraw O.P.No.61 of 2013 from the Court of Senior Civil Judge, Suryapet, Nalgonda District and transfer the same to Family Court, Ranga Reddy District.

2. Earlier when this matter came up, it was represented that the Court below reserved orders in the main O.P., but orders were not pronounced. Then, this Court directed the Registry to call for a report from the Court below in compliance of which, the Court below, through letter dated 30.07.2016, intimated that an I.A. is filed and same is pending.

3. Advocate for petitioner submitted that wife filed re-open petition in I.A.No.212 of 2016 and, therefore, in view of the re-open of petition, orders are not pronounced. He, submitted that even trial is not completed as petitioner has not yet filed chief affidavit. He further submitted that it is difficult for petitioner to travel from Ranga Reddy District to Suryapet, therefore, her request for transfer of the O.P. may be considered. It is further represented that a maintenance case filed by wife is pending before Family Court, Ranga Reddy District.

4. On the other hand, advocate for respondent submitted that wife filed a memo on 20.09.2015 reporting no objection for grant of divorce, as claimed by petitioner. But as seen from record, she also filed counter disputing the relief claimed by husband for divorce. Even if wife is willing for divorce, both wife and husband have to file a consent petition under Section 13-B of the Hindu Marriage Act, 1955, and when the wife filed re-open petition, the Court has to examine it and conduct an enquiry.

5. For these reasons, by taking the convenience of wife into consideration and also the fact that maintenance case is pending before Family Court, Ranga Reddy District, O.P.No.61 of 2013 is withdrawn from the Court of Senior Civil Judge, Suryapet, Nalgonda District and transferred to Family Court, Ranga Reddy District, for disposal in accordance with law. Family Court, Ranga Reddy District, shall dispense with the presence of respondent 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.

6. The petition is ordered accordingly. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

S. RAVI KUMAR, J

08th August, 2016.
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