

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.629 of 2013

ORDER:

This petition is filed to withdraw F.C.O.P.No.1344 of 2012 from the file of Family Court, Ranga Reddy at L.B. Nagar, and transfer the same to the file of Family Court, City Civil Court, Hyderabad, where F.C.O.P.No.82 of 2013 is pending.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 16.12.1997 at New Nallakunta, Shankarmutt, Hyderabad, according to Hindu rites and customs and out of wedlock they are blessed with two sons who are aged 14 and 10 years respectively. She stated that due to disputes and harassment she shifted her residence to her parents house and she is living with her parents along with her children. She stated that she filed O.P.No.82 of 2013 for dissolution of marriage and the respondent herein filed O.P.No.1344 of 2012 before Family Court, Ranga Reddy at L.B.Nagar, for restitution of conjugal rights. She stated that both the cases have to be tried by one Court to avoid conflicting decisions. Therefore, she sought transfer of O.P., filed by the respondent from the Family Court, Ranga Reddy at L.B.Nagar to Family Court, City Civil Court, Hyderabad.

3. This Court permitted the petitioner to take personal notice to respondent through Registered Post with Acknowledgement Due and to file proof of service and in compliance of the said order, notice was sent to respondent on 22.06.2015 and the cover is returned with endorsement unclaimed.

4. Heard arguments.

5. Advocate for petitioner submitted that respondent is aware of these proceedings as the stay order granted by this Court was sent to

the lower Court, but respondent intentionally, did not appear. He further submitted that as the allegations and counter allegations in both the O.Ps. are one and the same to avoid conflicting decisions, these two O.Ps, have to be tried by one Court.

6. Considering the reasons stated in the affidavit and also the submissions of counsel for petitioner, the Family Court O.P.No.1344 of 2012 is withdrawn from the file of Family Court, Ranga Reddy at L.B.Nagar and transferred to Family Court Judge, City Civil Court, Hyderabad, for disposal in accordance with law.

7. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 1st March, 2016
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