

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.596 of 2016

ORDER :

This is husband's application under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw his O.P. No.141 of 2015 on the file of learned XIV Additional District Judge, Vijayawada, filed for annulment of marriage, and transfer the same to the Family Court, Vijayawada, where the case filed by the wife in M.C.No.86 of 2015 is already pending.

I have heard the submissions of Sri T.Ravi Kumar, learned counsel for petitioner, and perused the material record. The notice sent to the wife is returned with postal endorsement 'addressee left', and therefore, there is deemed service. That apart, the notice sent to the counsel for respondent-wife in the proceedings before the trial Court is already served. None appears for the respondent-wife and there is no representation for her.

The husband is seeking transfer of his O.P. from the Court of XIV Additional District Judge, Vijayawada, to Family Court at the same place as the wife's maintenance case is pending in that Court. If the transfer as sought for is ordered, it would subserve the ends of justice and would be convenient for both the spouses.

In the result, the Tr.C.M.P is allowed and O.P. No.141 of 2015 is withdrawn from the file of XIV Additional District Judge, Vijayawada, and is transferred to the Family Court, Vijayawada, to be tried either together or simultaneously along with M.C.No.86 of 2015 filed by the wife, in strict

accordance with the procedure established by law. No costs. Pending miscellaneous applications, if any, shall stand closed.

M. SEETHARAMA MURTI, J

3rd November 2016

ajr

