

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.518 of 2016

ORDER :

This is the wife's petition under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw F.C.O.P. No.62 of 2016 on the file of the Family Court, Kurnool, filed by the husband for grant of divorce, and transfer the same to the Court of Senior Civil Judge, Kandukuru of Prakasam District, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of the learned counsel for petitioner Sri Jithender Rao Veeramalla, appearing for the petitioner/wife. There is no representation for the respondent on 20.10.2016 and also today. No counter is filed despite granting sufficient time. Therefore, it is treated that the respondent is not interested in resisting this application.

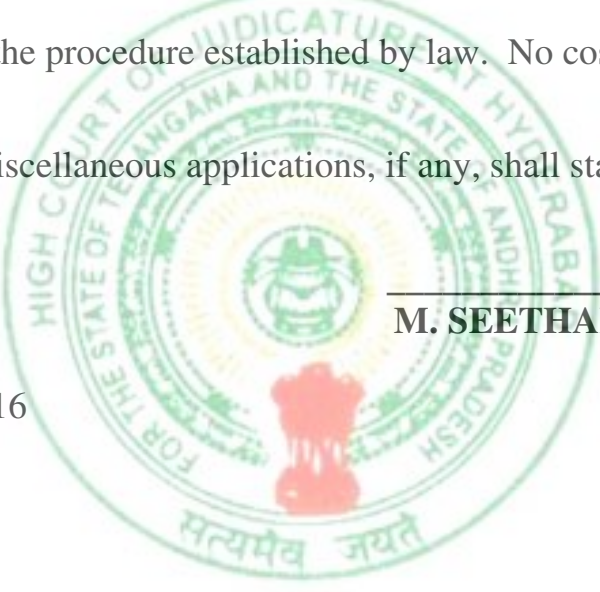
I have perused the material record.

Learned counsel for petitioner would submit that the respondent-husband has earlier filed F.C.O.P.No.85 of 2014 on the file of Family Court, Kurnool, for restitution of conjugal rights and that on the application of the wife, this Court, by orders dated 10.03.2015, has withdrawn the said O.P. from the said Court and transferred the said O.P. to the Court of Senior Civil Judge, Kandukuru of Prakasam District, and that later, the husband filed the present OP in the Family Court at Kurnool for divorce and that in the circumstances stated, the wife is obliged to file this petition seeking transfer of this case also to the Court of the learned Senior Civil Judge, Kandukuru.

On the same analogy as stated in the earlier orders of this Court which are adverted supra and for the terms therein and reasons alike, this transfer miscellaneous petition deserves to be allowed, in the considered view of this Court.

In the result, the Tr.C.M.P is allowed and F.C.O.P. No.62 of 2016 is withdrawn from the file of the Family Court, Kurnool, and is transferred to the file of Senior Civil Judge, Kandukuru of Prakasam District, to be tried either together or simultaneously along with the other F.C.O.P.No.85 of 2014 filed by the respondent-husband for restitution of conjugal rights, 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