

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.163 of 2016

ORDER:

This petition is filed to withdraw O.P.No.10 of 2016 from the file of Senior Civil Judge, Mahabubabad, Warangal District and transfer the same to Family court, City Civil court, Secunderabad.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 12.08.2009 at Srisatya Sai Nigamagamam, Sringeri colony, Hyderabad, as per Hindu rites and caste custom. She stated that immediately after marriage, she stayed with respondent at Mahabubabad for sometime and thereafter they setup a family at Ramnagar, Hyderabad and later she came to know that respondent was suffering with some mental ill health problems and he has no proper educational qualifications and that they cheated her. She stated that she was deserted by respondent and she filed OP No.111 of 2016 before Family Court, Secunderabad for divorce and as a counterblast respondent filed O.P.No.10 of 2016 for restitution of conjugal rights before Senior Civil Judge, Mahabubabad, Warangal District and both the cases have to be tried by one Court. She further stated that Mahabubabad is far away from her native place and it is difficult for her to travel from Coimbatore to Mahabubabad, where she is working and as she is doing a private job, therefore it is difficult for her to get leave to travel such a long distance. For these reasons, she prayed for transfer of OP from Mahabubabad to Secunderabad.

3. On 15.03.2016, this Court permitted the advocate for petitioner to take out personal notice to respondent by registered

post with acknowledgment due and file proof of service within three weeks. In compliance of the said order, advocate for petitioner filed Memo dated 28.03.2016 along with postal acknowledgment stating that notice sent to respondent is duly served.

4. In spite of service of notice respondent neither appeared in person nor through any advocate.

5. Heard arguments.

6. Considering the reasons stated in the affidavit and also considering the convenience of wife, O.P.No.10 of 2016 is withdrawn from the file of Senior Civil Judge, Mahabubabad, Warangal District and transferred to Family court, City Civil court, Secunderabad for disposal in accordance with law.

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

S. RAVI KUMAR, J

Date: 21-06-2016.

gvl