

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No.800 of 2015

ORDER:

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This petition is filed by the petitioner/husband for transfer of O.P.No.1381 of 2013 filed by him for grant of divorce pending on the file of XV Additional District Judge-cum- cum Additional Family Court, Miyapur (Kukatpally) Ranga Reddy District to the Additional Family Court Judge, City Civil Courts, Hyderabad, to be tried along with O.P.No.799 of 2013 filed by the respondent/wife for restitution of conjugal rights under Section 9 of Hindu Marriage Act.

The case of the petitioner is that the marriage of the petitioner was performed with the respondent on 08-04-2007 at Kolan Raghava Reddy Gardens, Nizampet Road, Kukatpally, Hyderabad. Due to their wedlock, they were blessed with a child on 12-02-2008. Soon after the marriage, the respondent ill-treated the petitioner and his parents and a notice was also issued to the respondent to forthwith join the company of petitioner. Later the elders intervened and advised the respondent to join the matrimonial company of petitioner and the respondent insisted to put up a separate family. Accordingly, the petitioner put up a separate family on 03-04-2010 at Vasanth Nagar, KPHB. But the respondent did not change her attitude and used to indulge in physical violent tantrums. It is further stated that later the respondent went to her parents house and filed D.V.C.No.281 of 2010 on the file of IV Metropolitan Magistrate Court, Hyderabad and later D.V.C. case was transferred to Erramanzil and the petitioner also filed O.P.No.336 of 2012 seeking custody of minor child before Family Court Judge, Ranga Reddy District at L.B.Nagar. On the advise of elders, later D.V.C. case was withdrawn by the respondent at the instance of elders. But on the complaint made by the respondent, a case in Cr.No.317 of 2013 was registered for the offences under Sections 498-A, 324 IPC and Sections 3 and 4 of D.P.Act and after charge sheet is filed, the same is numbered as C.C.No.57 of 2013. It is further stated that the respondent filed F.C.O.P.No.799 of 2013 on the file of Family Court, City Civil Courts at Hyderabad under Section 9 of Hindu Marriage Act for restitution of conjugal rights. Now, the present transfer CMP is filed for transfer of O.P.No.1381 of 2013 filed by the petitioner for

grant of divorce pending on the file of XV Additional District Judge-cum- cum Additional Family Court, Miyapur (Kukatpally) Ranga Reddy District to the Additional Family Court Judge, City Civil Courts, Hyderabad, to be tried along with O.P.No.799 of 2013 filed by the respondent/wife.

Though notice is issued and served, no counter affidavit is filed.

Heard learned counsel for the petitioner.

The averments made in support of transfer petition referred goes to show that OP.No.799 of 2013 is pending on the file of Additional Family Court Judge filed by the respondent/wife for restitution of conjugal rights is pending. And O.P.No.1381 of 2013 filed by the petitioner for divorce is also pending and both should be tried together to avoid conflicting judgments.

In view of the same, OP.No.1381 of 2013 is withdrawn from the file of O.P.No.1381 of 2013 filed by him for grant of divorce from the file of XV Additional District Judge-cum- cum Additional Family Court, Miyapur (Kukatpally) Ranga Reddy District and transfer the same to the Additional Family Court Judge, City Civil Courts, Hyderabad, to be tried along with O.P.No.799 of 2013 filed by the respondent/wife for restitution of conjugal rights under Section 9 of Hindu Marriage Act.

Accordingly, the Transfer C.M.P. is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

05-01-2016

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