

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.705 of 2016

ORDER:

This is a husband's application under Section 24 of the Code of Civil procedure, 1908, to withdraw OP.No.1666 of 2015 from the file of the Additional Family Court, Hyderabad, and transfer the same to the Family Court, Hyderabad, on the ground that the case is not being disposed of by the Additional Family Court as the post of the Presiding Officer of the said Court is kept vacant and the learned Judge of the Family Court is holding the Full Additional Charge of the said post.

I have heard the submissions of the learned counsel appearing for the petitioner-husband and the respondent-wife. I have perused the material record.

Though no counter is filed on behalf of the respondent, learned counsel for the respondent orally resisted the petition.

The facts, which are necessary for consideration, in brief, are as follows:

Initially the OP was filed before the Family Court, Dehradun (Uttarakhand) and was numbered as OS.No.151 of 2014. Later, on the request of the parties, the said suit was transferred to Hyderabad and was renumbered as OP.No.1666 of 2015 and is presently pending on the file of the Additional Family Court, Hyderabad. Apart from the allegations, which are traded, the only request of the petitioner is that the matter may be transferred to the Family Court, Hyderabad, to have expeditious disposal of the matter. Both the parties are working in Army. Learned counsel for the petitioner drew the attention of this Court to a letter addressed by the respondent to the superior Officers wherein it appears she had also expressed an inclination to have the OP disposed of as expeditiously as possible. Learned counsel for the respondent

only complains that the petitioner is not co-operating and is not appearing before the Additional Family Court and therefore the matter is getting delayed.

At the hearing, learned counsel for the petitioner fairly submits that he has no objection if the matter is continued in the Additional Family Court, Hyderabad; however, he seeks a direction to be given to the Presiding Officer who is holding Full Additional Charge of the post of the Judge, Additional Family Court to dispose of the OP as expeditiously as possible and within a time frame.

Learned counsel for the respondent also reported no objection for the said course.

Having regard to the submissions, the TrCMP is disposed of directing the learned Judge, Family Court, Hyderabad, who is holding Full Additional Charge of the post of the learned Judge, Additional Family Court, Hyderabad, to dispose of OP.No.1666 of 2015 in strict accordance with the procedure established by law as expeditiously as possible and preferably within a period of three (03) months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

M. SEETHARAMA MURTI, J

06th December, 2016
Vjl