

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.497 of 2016

ORDER:

This petition is filed under Section 24 CPC seeking to transfer F.C.O.P. No.48 of 2015 from the file of Family Court, Anantapur to the file of Family Court, Tirupati for disposal in accordance with law.

2. Heard the learned counsel for the petitioner and learned counsel for the respondent.

3. A perusal of the record reveals that the respondent filed FCOP No.48 of 2015 on the file of Family Court, Anantapur against the petitioner under Section 13 of the Hindu Marriage Act, for dissolution of the marriage.

4. At the time of arguments, learned counsel for both the parties submitted that the petitioner filed FCOP No.122 of 2016 on the file of the Family Court, Tirupati against the respondent for restitution of conjugal rights.

5. The learned counsel for the respondent, in all fairness, submitted that FCOP No.48 of 2015 may be transferred to the file of Family Court, Tirupati to try the same along with FCOP No.122 of 2016. He further submitted that the transferee court may be directed to try FCOP No.48 of 2015 along with FCOP No.122 of 2016 and dispense with the presence of the respondent in both the FCOPs.

6. Having regard to the facts and circumstances of the case and the submissions made by the learned counsel for both the parties, FCOP No.48 of 2015 on the file of the Family Court, Anantapur is transferred to the file of the Family Court, Tirupati to try along with FCOP No.122 of 2016 and dispose of the same in accordance with law. The Family Court, Tirupati is hereby directed to dispense with the presence of the respondent-husband in FCOP No.48 of 2015 and FCOP No.122 of 2016 on each and every date of adjournment. However, he shall appear before the trial Court as and when his presence is so required.

7. With the above directions, the Transfer C.M.P. is allowed. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 25.1.2017.
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