

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer C.M.P.No.606 of 2016

ORDER:

This Transfer CMP, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/ wife requesting to withdraw FCOP No.732 of 2016 on the file of the Family Court, L.B.Nagar, Ranga Reddy District, and transfer the same to the file of the Family Court, Rajahmundry, East Godavari District, for trial and disposal in accordance with the procedure established by law.

2. I have heard the submissions of *Sri D.Narasimha Rao Davuluri*, learned counsel appearing for the petitioner, and of *Sri E.Srimanth Reddy*, learned counsel for the sole respondent. I have perused the material record.

3. Learned counsel for the petitioner would submit as follows:

The aforesaid FCOP, under Section 9 of the Hindu Marriage Act, 1955, is filed by the respondent/ husband against the petitioner/ wife in the Court at Ranga Reddy. The petitioner/ wife is a resident of Gorakshnapeta, Rajahmundry, East Godavari District. She filed D.V C. No.20 of 2015 against the respondent/ husband and others on the file of the Court of the learned VI Additional Judicial Magistrate of First Class, Rajahmundry. A case in C.C.No.221 of 2015 is pending on the file of V Additional Judicial Magistrate of First Class, Rajahmundry. She also filed M.C.No.61 of 2014 on the file of the Family Court-cum-IX Additional District Judge, Rajahmundry, East Godavari District. The respondent/ husband is appearing in the aforesaid cases, which are pending in the Courts at Rajahmundry. Whereas, the above said FCOP No.732 of 2016 filed by the respondent/ husband is alone pending on the file of the Family Court at L.B.Nagar. If the said OP is also transferred to the Family Court at Rajahmundry, where M.C.No.61 of 2014 is pending, it would not only

be convenient for both the parties, but would also help in saving time and money of the parties and also would obviate the necessity of different trials by different Courts and would facilitate conduct of joint or simultaneous trials and disposal of cases by one and the same Court. Therefore, it is just and fair and it is also in the interests of justice to withdraw FCOP No.732 of 2016 pending on the file of the Family Court at L.B.Nagar, Hyderabad, and transfer the same to the Family Court-cum-IX Additional District Judge, East Godavari District, at Rajahmundry, as M.C.No.61 of 2014 is already pending on the file of the said Court.

4. Learned counsel for the respondent/husband stated that the respondent/husband has no objection for granting the relief to the petitioner/wife and that the said course is acceptable to the respondent/husband in the facts and circumstances of the matter.

5. In view of the facts peculiar to the case and the joint request of the parties, this Court finds that this is a fit case to grant the relief.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. As a sequel, FCOP No.732 of 2016 is withdrawn from the file of the Family Court, L.B.Nagar, Ranga Reddy District, and is transferred to the Family Court-cum-IX Additional District Court, East Godavari, Rajahmundry, for trial and disposal in accordance with procedure established by law. The transferor Court is accordingly directed to forthwith transmit the duly indexed record to the Transferee Court.

Miscellaneous petitions, if any, pending shall stand closed.

04th August, 2017
RAR

M. SEETHARAMA MURTI, J