

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI
TRANSFER CIVIL MISCELLANEOUS PETITION No.519 of 2017

ORDER:

This is a petition, under Section 24 of the Code of Civil Procedure, 1908, by the petitioner-wife requesting to withdraw F.C.O.P.No.746 of 2015 on the file of the Family Court, City Civil Court, Hyderabad, and transfer the same to the Family Court, City Civil Court, Secunderabad, where O.P.No.460 of 2016 between the same parties is pending.

2. Heard the learned counsel for the petitioner and also the learned counsel for the respondent. Though no counter is filed, the petition is orally resisted.

3. Two matrimonial OPs of the spouses are pending on the files of different Family Courts. One OP is on the file of a Court at Hyderabad and the other is on the file of a Court at Secunderabd. The only request of the wife is to bring both the OPs to the file of one Court for trial and disposal by a single forum not only for the convenience of the parties but also to save their time and money and avoid conflicting findings and orders. The wife seeks transfer of the case on the file of the Court at City Civil Court, Hyderabad, to the file of the Court at City Civil Court, Secunderabad. As per the settled legal position, unless there are special circumstances the convenience of the wife has to be preferred.

5. In the result, the Transfer Civil Miscellaneous Petition is allowed and the F.C.O.P.No.746 of 2015 is withdrawn from the file of Family Court, City Civil Court, Hyderabad, and is transferred to the file of

Family Court, City Civil Court, Secunderabad, for trial and disposal either together or simultaneously with the other OP, however, in accordance with the procedure established by law. The transferor Court is directed to transmit the duly indexed record to the transferee Court as expeditiously as possible and preferably within two weeks from the date of receipt of a copy of this order. On receipt of the said record, the transferee Court shall endeavour to dispose of, both the OPs as expeditiously as possible, preferably within three months thereafter.

Pending miscellaneous petitions, if any, shall stand closed.

September 18, 2017
Lmv

JUSTICE M. SEETHARAMA MURTI

