

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Transfer Civil Miscellaneous Petition No.860 of 2014

ORDER:

This is a wife's application, under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw F.C.O.P.No.1578 of 2016 from the file of the Additional Family Court-cum-IV Additional District Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the Family Court at Nalgonda, for trial and disposal in accordance with the procedure established by law.

2. I have heard the submissions of Sri *Ch.Ravinder*, learned counsel for the petitioner-wife, and of Sri *N.Krishna*, learned counsel for the respondent-husband. I have perused the material record.

3. Shorn of unnecessary details, the case of the petitioner-wife is as follows: "After disputes and estrangement between the spouses, she is living at Nalgonda along with her parents. She had also lodged a report alleging commission of various offences punishable under the provisions of the Penal Code; and, a Calendar Case was taken on file by a learned Judicial Magistrate of First class. She has also filed a Maintenance Case and an OP for Restitution of Conjugal Rights. All the said cases are pending on the files of various Courts at Nalgonda. The respondent-husband is required to appear in the said Cases pending on the files of the Courts at Nalgonda. However, the respondent-husband filed the afore-stated OP, for dissolution of marriage, in the Family Court, Rangareddy District at L.B.Nagar. She is not in a position to undertake travel all alone from Nalgonda to Hyderabad and meet the travel, lodging and incidental expenses. On

the date of every adjournment, she has to look for one person to accompany her from Nalgonda to Hyderabad, which is at a distance of 140 Kms. If the OP filed by the respondent-husband is also transferred to the file of a competent Court at Nalgonda, all the cases will be on the files of the Courts at one place, and the said course would not only be beneficial to the parties but would also save their money and time.”

4. Though the respondent-husband entered appearance, he did not file any counter resisting the application. However, at the hearing, the learned counsel for the respondent-husband fairly submits that the OP filed by the petitioner-wife is pending on the file of the Family Court at Nalgonda and, therefore, if the FCOP filed by the respondent-husband is also transferred to the file of the said Court, the said course would be convenient and helps in avoiding conflicting judgments/orders.

5. Having regard to the facts and submissions, this Court is satisfied that this is a fit case to grant the relief.

6. In the result, this petition is allowed and F.C.O.P.No.1578 of 2016 is withdrawn from the file of the Additional Family Court-cum-IV Additional District Court, Ranga Reddy District at L.B.Nagar, and is transferred to the Family Court at Nalgonda, for trial and disposal either jointly or simultaneously with other OP pending on the file of the said Court, however, in accordance with the procedure established by law. The transferor Court shall transmit the duly indexed record to the transferee Court as expeditiously as possible. The transferee Court shall endeavour to dispose of both the OPs as expeditiously as possible and preferably within a period of three (03) months from the date of receipt of the records from the transferor Court.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Transfer CMP, shall stand closed.

M.Seetharama Murthi, J

08th September, 2017
Bvv

