

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER C.M.P.No. 2 OF 2018

ORDER:

This transfer civil miscellaneous petition under Section 24 of the Code of Civil Procedure (for short, 'C.P.C.') is filed to withdraw D.O.P.No.122 of 2017 pending on the file of Judge, Family Court, Nalgonda, and transfer the same to the Judge, Family Court-cum-XVI District and Sessions Judge, Neredmet.

Wife filed this application. It is the contention of the petitioner that she filed O.P.No.2119 of 2017 before the Judge, Family Court-cum-XVI District and Sessions Judge, Neredmet, Ranga Reddy District under Section 13(1)(ib) of the Hindu Marriage Act and the respondent filed D.O.P.No.122 of 2017 before Judge, Family Court, Nalgonda under Section 13(1)(ia) of the Hindu Marriage Act for dissolution of marriage. The petitioner and respondent attributed cruelty against one another and that the relief claimed by both the parties is one and the same. The petitioner is working as Manager in State Bank of India and residing at East Gayathri Nagar, Malkajgiri, Moulali, Ranga Reddy District and whereas the respondent is unemployeed and residing at Savarkarnagar, Near Telugutalli Flyover, Nalgonda. Since the respondent is unemployeed, who is residing at Nalgonda, it is convenient for him to appear before the Court at Neredmet, whereas it is difficult for the petitioner to apply leave and appear before the Court at Nalgonda as she is working at Ranga Reddy and that if O.P. is allowed to be decided by the two different Courts, there is every possibility of conflicting judgment. Therefore, to avoid conflicting judgment requested to withdraw D.O.P.No.122 of 2017, pending on the file of Judge, Family Court, -cum-Nalgonda and transfer

the same to the Judge, Family Court-cum-XVI District and Sessions Judge, Neredmet for being heard along with O.P.No.2119 of 2017.

Notice served on respondent and proof of service was filed, but none appeared.

The only grievance of the petitioner before this Court is that if the petitions are allowed to be tried by the two different Courts, there is every possibility of arriving at conflict of decisions and also it is inconvenient for the petitioner to attend the Court at Nalgonda, as she is working at Ranga Reddy. Therefore, to avoid conflict of decisions and inconvenience of the petitioner, I deem it appropriate to transfer D.O.P.No.122 of 2017 pending on the file of Judge, Family Court, Nalgonda, to the file of Judge, Family Court-cum-XVI Additional District and Sessions Judge, Neredmet to hear and disposed of along with O.P.No.2119 of 2017.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed withdrawing D.O.P.No.122 of 2017 pending on the file of Judge, Family Court, Nalgonda and transferred to the Judge, Family Court-cum-XVI District and Sessions Judge, Neredmet to hear along with O.P.No.2119 of 2017 and dispose of in accordance with law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

M.SATYANARAYANA MURTHY, J.

Date: 19.01.2018
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