

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CIVIL MISCELLANEOUS PETITION No.791 OF 2015

ORDER:

Heard Sri G. Ronald Raju, learned counsel for the petitioner.

The petitioner herein is the respondent-wife in O.P. No.65 of 2015 on the file of Senior Civil Judge, Siddipet, Medak District, Telangana State, which was filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights.

Learned counsel for the petitioner would submit that the wife also filed Divorce O.P. in D.O.P.No.52 of 2014 pending on the file of Principal Senior Civil Judge, Gudivada, Krishna District; Maintenance Case No.7 of 2015 and Enforcement Petition in M.C. No.7 of 2015 pending on the file of Judicial Magistrate of First Class, Kaikaluru; and D.V.C. No.5 of 2015 is pending on the file of Judicial Magistrate of First Class, Kaikaluru, and, therefore, that the present O.P.No.65 of 2015 also be transferred to the file of Senior Civil Judge, Gudivada, Krishna District to avoid hardship to the petitioner.

Though, this Court granted stay on 21.12.2015, respondent has not chosen to file any counter nor oppose the request made herein. Today also, there is no representation for the respondent.

For the reason that all the proceedings are pending before the Gudivada and Kaikalur courts, more particularly, Divorce O.P. filed by the wife on the file of Principal Senior Civil Judge, Gudivada, and

other petitions before Kaikaluru courts such as D.V.C. No.5 of 2015 and M.C. No.7 of 2015, it would be reasonable to accede to the relief.

Therefore, the Transfer Civil Miscellaneous Petition is allowed. O.P. No.65 of 2015 pending on the file of Senior Civil Judge, Siddipet, Medak District, Telangana State is withdrawn and transferred to the file of Principal Senior Civil Judge, Gudivada, Krishna District, Andhra Pradesh State, to try with Divorce O.P.No.52 of 2014. The Transferee Court shall issue notices to both parties and then dispose of O.P. in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the Transfer Civil Miscellaneous Petition shall stand closed.

Dt. 11.04.2018
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A.SHANKAR NARAYANA