

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.C.M.P.No.720 OF 2016

ORDER:

This petition is filed under Section 24 Code of Civil Procedure (for short "C.P.C.") to withdraw O.P.No.1116 of 2016 pending on the file of the Additional Judge, Family Court, City Civil Courts, Hyderabad and transfer the same to the Judge, Family Court, Ranga Reddy District at L.B.Nagar, where M.C.No.181 of 2015 is pending, on the ground that the respondent filed petition claiming custody of two minor children making baseless allegations.

It is contended by the petitioner that she is a poor Woman and has no means to engage an advocate at City Civil Courts, Hyderabad and it is difficult for her to attend two Courts at a time, therefore, she requested this Court to allow the petition.

The petitioner is a resident of Rain Bazar, Yakutpura and whereas the respondent is residing at Ramanthapur, but he filed O.P.No.1116 of 2016 for custody of children as they are living with the petitioner within the jurisdiction of Judge, Family Court, City Civil Courts, Hyderabad. The petitioner is residing at Rain Bazar, Hyderabad, which is nearby City Civil Courts, Hyderabad, but filed M.C.No.181 of 2015 on the file of Judge, Family Court, Ranga Reddy District obviously for different reasons. Moreover, M.C.No.181 of 2015 pending on the file of Judge, Family Court, Ranga Reddy District cannot be tried along with the petition filed for custody of children i.e. O.P.No.1116 of 2016 for the simple reason the trial of these matters are governed by Cr.P.C. and C.P.C. Apart from that it is easy for the petitioner to appear before the Family Court at City Civil Courts. Therefore, the ground urged by the petitioner for withdrawal and transfer of O.P.No.1116 of 2016 is not a sufficient ground to exercise

power under Section 24 of C.P.C. Hence, I find no ground to allow the petition. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

27.02.2018

Ksp

