

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER C.M.P.No.22 OF 2016

ORDER:

This transfer civil miscellaneous petition under Section 24 of the Code of Civil Procedure (for short, 'C.P.C.') is filed to withdraw O.P.No.1146 of 2014 pending on the file of the Judge, Family Court, City Civil Court at Hyderabad and transfer the same to the Court of the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case – cum – Additional Family Court, Hyderabad (City Criminal Courts, Nampally), on the ground that M.C.No.244 of 2015 is pending on its file and a criminal complaint was filed by the respondent for the offence punishable under Sections 498-A and 406 of I.P.C. and Sections 4 and 6 of Dowry Prohibition Act before the Women Police Station CCS, Hyderabad, hence to avoid conflicting judgments with regard to the alleged desertion, both cases have to be tried by the same Court.

None appeared for the respondent though notice was served and the proof of service was also filed.

During hearing, learned counsel for the petitioner reiterated the contentions raised in the petition. The only ground for seeking transfer of O.P.No.1146 of 2014 pending on the file of Judge, Family Court, City Civil Court, Hyderabad, is pendency of M.C.No.244 of 2015 on the file of Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case – cum – Additional Family Court, Hyderabad (City Criminal Courts, Nampally), and the distance between these Courts is less than 3 kms, but the contention raised in both the petitions is one and the same. Hence, to avoid conflicting judgments, I find that it

is a fit case to withdraw the O.P.No.1146 of 2014 pending on the file of Judge, Family Court, City Civil Court at Hyderabad and transfer the same to the Court of the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case – cum – Additional Family Court, Hyderabad (City Criminal Courts, Nampally) where M.C.No.244 of 2015 is pending, with a direction to dispose of both the matters in accordance with law.

Accordingly, O.P.No.1146 of 2014 pending on the file of Judge, Family Court, City Civil Court at Hyderabad is withdrawn and transferred the same to the Court of the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case – cum – Additional Family Court, Hyderabad (City Criminal Courts, Nampally), where M.C.No.244 of 2015 is pending, and the Court concerned is directed to dispose of both the matters in accordance with law.

With the above direction, the Tr.C.M.P. is disposed of. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

23.02.2018
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