HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Tr.C.M.P.No.407 OF 2016

ORDER:

The present transfer petition, under Section 24 of the Code of Civil Procedure, 1908, is filed seeking to withdraw O.P.No.1321 of 2015 from the file of Judge, Family Court, Ranga Reddy District at L.B. Nagar, and transfer the same to the file of Judge, Family Court, Secunderabad, to try with O.P.No.269 of 2016.

2. Heard Sri K. Mohan, learned counsel for the petitioner – wife.

3. Learned counsel for the petitioner would submit that service on the Advocate appearing for the respondent before the Court below was completed and a memo is also filed to that effect. He would also submit that notice sent to the respondent to the same address as mentioned in F.C.O.P.No.1321 of 2015 was returned un-served. Presumption, therefore, arises that the respondent is evading to receive notice sent to the address given. The returned envelop along with a memo is filed by the learned counsel for petitioner.

4. Since, already O.P.No.269 of 2016 filed by the petitioner – wife, under Section 9 of the Hindu Marriage Act, 1955 (for short, 'the Act'), for restitution of conjugal rights, is pending on the file of Judge, Family Court, Secunderabad, it is desirable that O.P.No.1321 of 2015

filed by the respondent – husband, under Section 13 of the Act, for dissolution of marriage, is also be tried with O.P.No.269 of 2016.

5. Hence, the present transfer petition is allowed. Consequently, F.C.O.P.No.1321 of 2015 pending on the file of Judge, Family Court, Ranga Reddy District at L.B. Nagar, is withdrawn and transferred to the file of Judge, Family Court, Secunderabad, to try with O.P.No.269 of 2016. The transferee Court shall issue notices to the parties on receipt of the case bundle, proceed with trial along with O.P.No.269 of 2016 and dispose of both the O.Ps. within six (6) months from the date of receipt of a copy of this order. Both the parties are directed to co-operate with the transferee Court to comply the direction given by this Court.

Miscellaneous Petitions, if any, pending in this transfer petition shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

April 16, 2018.
MD