

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Tr.C.M.P.No.275 OF 2016

ORDER:

Heard Sri K.S. Murthy, learned counsel for the petitioner.

2. Despite service of notice on the respondent – husband, none appears for him.

3. The request made herein, under Section 24 of the Code of Civil Procedure, 1908, is to withdraw O.P.No.14 of 2016 from the file of learned Senior Civil Judge, Huzurnagar, and transfer the same to the file of learned III Additional District Judge, Warangal, where O.P.No.153 of 2015 is pending.

4. O.P.No.14 of 2016 is filed by the respondent – husband, under Section 9 of the Hindu Marriage Act, 1955 (for short, 'the Act'), seeking restitution of conjugal rights, whereas O.P.No.153 of 2015 is filed by the petitioner – wife, under Section 13 of the Act, seeking dissolution of marriage.

5. Learned counsel for the petitioner would submit that the petitioner has to travel more than 200 KM from Warangal to Huzurnagar via Khammam and that she has no male assistance.

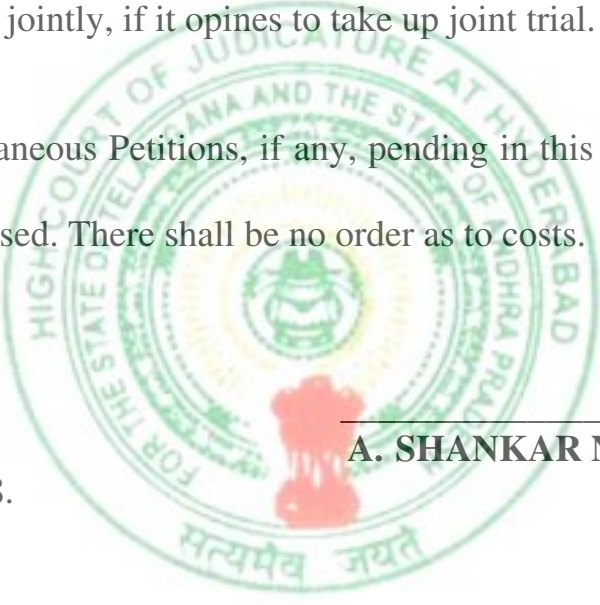
6. Be that as it may, since, between the parties the main petition for divorce is pending on the file of learned III Additional District Judge, Warangal, it would be appropriate to withdraw O.P.No.14 of

2016 from the file of learned Senior Civil Judge, Huzurnagar, and transfer the same to the file of learned III Additional District Judge, Warangal.

7. Hence, the present transfer petition is allowed. Consequently, O.P.No.14 of 2016 pending on the file of learned Senior Civil Judge, Huzurnagar, is withdrawn and transferred to the file of learned III Additional District Judge, Warangal. The transferee Court shall issue notices to the parties on receipt of the case bundle and dispose of both the O.Ps. jointly, if it opines to take up joint trial.

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

April 12, 2018.
MD

**A. SHANKAR NARAYANA, J**