

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CIVIL MISCELLANEOUS PETITION No.226 OF 2018

ORDER:

The petitioner is the wife in O.P.No.2133 of 2017 on the file of Judge, Family Court, Rangareddy District at Miyapur, filed by the respondent-husband herein for dissolution of marriage by grant of decree of divorce.

2. Heard Sri V.V.N. Narasimham, learned counsel for the petitioner and Sri Sreenivasa Rao Ravulapati, learned counsel for the respondent.

3. The request is made under Section 24 of Civil Procedure Code, 1908 to withdraw O.P. No.2133 of 2017 pending on the file of Judge, Family Court, Rangareddy District at Miyapur and transfer the same to the file of XIV-Additional District Judge-cum-Judge, Family Court, Vijayawada, to be tried and decided with F.C.O.P. Nos.119 and 117 of 2018.

4. Learned counsel for the petitioner would submit that, in fact, the petitioner-wife filed F.C.O.P.No.117 of 2018 under Section 125 of Criminal Procedure Code, 1973, seeking maintenance of Rs.40,000/- per month and also filed F.C.O.P. No.119 of 2018 on the same file for restitution of conjugal rights.

5. Since two cases are pending on the file of XIV-Additional District Judge-cum-Judge, Family Court, Vijayawada, and it is difficult for the petitioner-wife to travel all the way to Hyderabad to attend O.P.No.2133 of 2017, filed by the respondent-husband, and even to avoid conflicting findings being recorded by different Courts, further no maintenance is being paid by the respondent-husband, it would be convenient for the petitioner in

case O.P.No.2133 of 2017 is withdrawn and transferred from the file of Judge, Family Court, R.R. District at Miyapur to the file of XIV-Additional District Judge-cum-Judge, Family Court, Vijayawada, to be tried with other two O.Ps. filed by the petitioner.

6. No counter is filed by the respondent, but, however, there cannot be any dispute as to pendency of petitions for grant of maintenance and restitution of conjugal rights filed by the petitioner pending on the file of XIV-Additional District Judge-cum-Judge, Family Court, Vijayawada. Since the points that would be determined in all the three O.Ps. would relate to one of the same family dispute i.e., matrimonial affair between the wife and the husband, it would be just and reasonable to accede to the request to avoid conflicting findings being recorded by different Courts.

7. Therefore, the Transfer Civil Miscellaneous Petition is allowed. Consequently, O.P. No.2133 of 2017 pending on the file of Judge, Family Court, R.R. District at Miyapur is withdrawn and transferred to the file of XIV-Additional District Judge-cum-Judge, Family Court, Vijayawada, for taking up joint trial with F.C.O.P. Nos.119 and 117 of 2018 pending on the said file. The transferee Court shall issue notices to the parties on receipt of case bundle in O.P.No.2133 of 2017 and dispose of the said O.P. with other F.C.O.P. Nos.119 and 117 of 2018 by conducting joint trial 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.

A.SHANKAR NARAYANA

Dt. 02.05.2018

Vv/gbs