

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER C.M.P. No.544 OF 2017

ORDER:

Though, the petitioner - wife is making a request to withdraw F.C.O.P. No.157 of 2017, filed by her husband, respondent herein, seeking divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955, from the file of the Family Court at Secunderabad, and to transfer the same to the Family Court, Ranga Reddy District at L.B. Nagar, on the ground that F.C.O.P. No.758 of 2017 filed by her for restitution of conjugal rights is pending on the file of the Family Court, Ranga Reddy District at L.B. Nagar, but, during the course of arguments, the learned counsel for the petitioner would submit that the petitioner is a resident of Moulali Housing Board, Ranga Reddy District, and the learned counsel for the respondent would submit that the respondent is resident of Tarnaka locality of Hyderabad District.

2. The learned counsel for the respondent would also submit that there is a Family Court at Malkajgiri and the same would be nearer and convenient to reach for both parties, and, therefore, makes a request that the F.C.O.P. No.157 of 2017 may be shifted to that Court. Both the locations i.e., the house, where the petitioner resides, is at Moulali and residence of the respondent is at Tarnaka, are comparatively nearer to the Court of the learned XVI Additional District Judge - cum - III Additional Family Court at Malkajgiri, and

both the parties can reach the said Court without there being any difficulty and within short time.

3. Therefore, the request of the petitioner so far as withdrawing the F.C.O.P. No.157 of 2017 from the file of Family Court at Secunderabad is concerned, the same is allowed, however, it is transferred to the Court of learned XVI Additional District Judge - cum - III Additional Family Court at Malkajgiri, for trial and disposal, for the aforesaid reason.

4. As the learned counsel for the petitioner, of course, would submit that F.C.O.P. No.758 of 2017 is pending on the file of Family Court, Ranga Reddy District at L.B. Nagar, it is open to the petitioner to move a similar application of this nature for withdrawing the said F.C.O.P. from the file of the said Court so as to transfer it to the Court at Malkajgiri.

5. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present transfer civil miscellaneous petition stand closed.

A. SHANKAR NARAYANA, J

March 22, 2018.

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