

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

TRANSFER CIVIL MISCELLANEOUS PETITION No.515 OF 2016

ORDER:

Heard.

2. This is an application seeking transfer of O.P.No.744 of 2016 from the Court of the Additional Family Court Judge, City Civil Courts, Hyderabad, to XIV Additional District Judge-cum-Family Court, Vijayawada, which is an application seeking divorce by the respondent/husband.

3. The petitioner/wife filed Maintenance Case - M.C.No.225 of 2016 under Section 125(1)(a) of Code of Criminal Procedure, before the XIV Additional District Judge-cum-Family Court, Vijayawada. She also filed Domestic Violence Case before the Protection Officer, Vijayawada.

4. The plea of the petitioner/wife is that she lives at her parents' house at Vijayawada, that she is unable to attend the proceedings at Hyderabad and that the respondent/husband filed the O.P., seeking dissolution of marriage at Hyderabad after she filed the Maintenance Case and Domestic Violence Case at Vijayawada. Hence, the petitioner/wife seeks transfer of that petition filed by the respondent/husband to Vijayawada to have a joint trial.

5. Having noticed that the parties involved are same in the litigation, I am satisfied that sufficient grounds have been made out for transfer of O.P.No.744 of 2016 from the Court of the Additional Family Court Judge, City Civil Courts, Hyderabad, to XIV Additional District Judge-cum-Family Court, Vijayawada. Hence, this application is eligible to be allowed.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed transferring O.P.No.744 of 2016 from the Court of the Additional Family Court Judge, City Civil Courts, Hyderabad, to XIV Additional District Judge-cum-Family Court, Vijayawada. However, it is clarified that the question whether there shall be joint trial or not would be left open to the transferring Court to consider in accordance with law.

Miscellaneous petitions, pending if any, shall stand closed.

06.12.2018
pln

THOTTATHIL B. RADHAKRISHNAN, CJ

