

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

TRANSFER CIVIL MISCELLANEOUS PETITION No.378 OF 2018

ORDER:

Heard.

2. This Transfer Petition is filed by the petitioner/wife for transfer of O.P.No.45 of 2017 on the file of the Family Court (Senior Civil Judge) at Bhimavaram to the II Additional Family Court, at Kukatpally. The said O.P., was filed by the respondent/husband seeking restitution of conjugal rights.

3. The plea of the petitioner/wife is that even in the O.P., filed by the respondent/husband seeking restitution of conjugal rights, before the Court below, he has mentioned Hyderabad address only and it clearly establishes that the respondent/husband is staying at Hyderabad only. Therefore, she prays to transfer O.P.No.45 of 2017 to the II Additional Family Court at Kukatpally, to try along with F.C.O.P.No.1280 of 2018, which is filed by her seeking divorce.

4. Having regard to the totality of the facts and circumstances of the case, I am satisfied that O.P.No.45 of 2017 on the file of the Family Court (Senior Civil Judge) at Bhimavaram to be transferred to the II Additional Family Court, at Kukatpally.

5. In the result, the Transfer Civil Miscellaneous Petition is allowed transferring O.P.No.45 of 2017 on the file of the Family Court (Senior Civil Judge) at Bhimavaram to the II Additional Family Court, at Kukatpally, to try along with F.C.O.P.No.1280 of 2018 to avoid conflict of decisions.

Miscellaneous petitions, pending if any, shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

31.12.2018

pln