

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.494 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.178 of 2017 from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, to be tried along with F.C.O.P.No.13 of 2017 on the file of the Family Court-cum-IX Additional District and Sessions Judge, East Godavari District, Rajahmundry, or vice-versa.

2. Heard both counsels and perused the material available on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 24.02.2012, as per Hindu rites and caste customs. Immediately after the marriage, the respondent joined the petitioner to lead marital life. For one reason or other, disputes arose between the petitioner and the respondent. The respondent filed F.C.O.P.No.178 of 2017 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar, against the petitioner under Section 13(1)(i-a) of Hindu Marriage Act for dissolution of marriage. The respondent filed F.C.O.P.No.13 of 2017 on the file of the Family Court – cum – IX Additional District and Sessions Judge, East Godavari District, against the petitioner under Section 9 of Hindu Marriage Act for restitution of conjugal rights. Hence, the petition.

4. At the time of arguments, learned counsel for the petitioner submitted that F.C.O.P.No.13 of 2017, which is pending on the file of Family Court – cum – IX Additional District and Sessions Judge, East Godavari District, at Rajahmundry, may be transferred to Family Court, Ranga Reddy District at L.B.Nagar. Even if the petition is allowed in the absence of the respondent, no prejudice will be caused to the respondent. The relief sought in F.C.O.P.No.178 of 2017 is more wider than the relief sought in F.C.O.P.No.13 of 2017.

5. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is a fit case to allow the petition.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.13 of 2017 on the file of Family Court-cum-IX Additional District and Sessions Judge, East Godavari District, Rajahmundry, is withdrawn and transferred to Family Court, Ranga Reddy District, at L.B.Nagar, to be tried along with F.C.O.P.No.178 of 2017 in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

3rd August 2018

Rns

