

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER C.M.P.No. 760 OF 2017

AND

TRANSFER C.M.P.No. 42 OF 2018

COMMON ORDER:

Tr.C.M.P.No.760 of 2017 under Section 24 of the Code of Civil Procedure (for short, 'C.P.C.') is filed to withdraw H.M.O.P.No.148 of 2017 pending on the file of Senior Civil Judge, Gudivada, Krishna District and transfer the same to the Senior Civil Judge, Peddapuram, East Godavari District.

Tr.C.M.P.No.42 of 2018 under Section 24 C.P.C. is filed to withdraw O.P.No.36 of 2017, pending on the file of Senior Civil Judge, Peddapuram and transfer the same to the Senior Civil Judge, Kovvuru, West Godavari District.

For the sake of convenience, the parties hereinafter referred to as husband and wife.

H.M.P.No.148 of 2017 is filed by the husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. O.P.No.36 of 2017 is filed by the wife under Section 13(i)(ia) of the Hindu Marriage Act for dissolution of marriage granting decree of divorce.

After arguing the matter by both counsel for a while, requested this Court to pass appropriate order withdrawing HMOP and OP from the Courts of Gudivada and Peddapuram transfer to the Courts at Rajahmundry.

Acceding the request of both the counsel Tr.C.M.Ps are disposed of. H.M.O.P.No.148 of 2017 pending on the file of Senior Civil Judge,

Gudivada, Krishna District is withdrawn and transferred the same to the file of Senior Civil Judge, Rajahmundry, East Godavari District. O.P.No.36 of 2017, pending on the file of Senior Civil Judge, Peddapuram is withdrawn and transferred the same to the file of Senior Civil Judge, Rajahmundry. However, the Senior Civil Judge is directed not to insist appearance of the wife on every date of adjournment, except when her personal appearance is required for reconciliation or for any other purpose under the Act, as long as she is being represented by her counsel and in case, when she is required to appear before the Court, the husband be directed to pay traveling and other incidental expenses not only to the wife, but also to the person who accompanied her to attend the Court in connection with HMOP No.148 of 2017 and O.P.No.36 of 2017. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

Date: 01.02.2018
kvrn

M.SATYANARAYANA MURTHY, J.