

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.817 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.102 of 2017 from the file of the Family Court at Karimnagar, and transfer the same to the file of the Family Court at Nizamabad.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 26.03.2014 at Bharathi A/C Garden, Nizamabad, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to family disputes, the petitioner has been residing at her parents' house in Nizamabad. While things stood thus, the respondent filed F.C.O.P.No.102 of 2017, under Section 9 of Hindu Marriage Act, on the file of the Family Court at Karimnagar, against the petitioner for restitution of conjugal rights.

4. It is the case of the petitioner that she is facing much difficulty to attend the Family Court at Karimnagar.

5. At the time of arguments, learned counsel for the petitioner submitted that the petitioner is staying in Hyderabad. Learned counsel for both parties submitted that F.C.O.P.No.102 of 2017 may be transferred to Hyderabad instead of Nizamabad.

6. In view of the submission made by the learned counsel for both parties, this Court is inclined to allow the transfer petition.

7. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with before the Family Court, Hyderabad.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.102 of 2017 is withdrawn from the file of the Family Court at Karimnagar, and transferred to the file of the Principal Family Court, City Civil Court at Hyderabad, for disposal in accordance with law. The presence of the respondent in connection with F.C.O.P.No.102 of 2017 on the file of the Principal Family Court, City Civil Court at Hyderabad, is dispensed with on each and every date of adjournment. However, he shall appear before the Family Court as and when his presence is so required. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

Date: 25.09.2018
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A circular green seal of the High Court of Andhra Pradesh, Hyderabad Bench. The outer ring contains the text 'HIGH COURT OF ANDHRA PRADESH' at the top and 'HYDERABAD' at the bottom. The inner ring contains 'FOR THE STATE OF ANDHRA PRADESH'. The center features a red emblem of the state of Andhra Pradesh. Below the emblem, the Sanskrit motto 'सत्यमेव जयते' is written in Devanagari script.
T.SUNIL CHOWDARY, J