

**HONOURABLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

TRANSFER C.M.P. No.847 OF 2018

ORDER:

Heard learned counsel for the parties.

2. Married on 25.09.2017 in Adoni, Kurnool District of Andhra Pradesh, the husband viz., C. Shanatharaju filed an application for restitution of conjugal rights before the Judge, Family Court, City Civil Courts at Hyderabad. The wife viz., Smt. M. Deepika, petitioner herein, has filed O.P. No.48 of 2018 seeking divorce before the District Judge, Kurnool. Both the parties are employed. The wife's employer, State Bank of India, has now posted her to a place stated to be somewhere in Telangana State. The husband is an Assistant Manager in Syndicate Bank. The only ground on which, the transfer of cases can be considered is to facilitate joint consideration of the application for divorce and the application for restitution of conjugal rights. If there is any inch of prayer to be given to tilt the scale in favour of any particular territorial jurisdiction, that would be where the wife has filed the application for divorce since that appears to be also the place of her parental home and for the reason that application is by the woman.

3. In view of the above, taking a lenient view, O.P. No.1007 of 2018 on the file of the Judge, Family Court, City Civil Courts, Hyderabad, is withdrawn and transferred to the Court of the Principal District Judge, Kurnool, to be tried along with O.P. No.48 of 2018 before the District

Judge, Kurnool. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any pending, stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

December 31, 2018.
PV

