

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Tr.C.M.P.No.7 of 2019

ORDER:

This Tr.CMP. is filed seeking transfer of FCOP.No.1614 of 2018 pending on the file of the Family Court-cum-XVI Additional District Judge at Malkajgiri, Ranga Reddy District to the Court of Family Court Judge at Warangal to try along with FCOP.No.392 of 2018 filed by the petitioner against the respondent under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act').

2. Counsel for the petitioner contends that it would be difficult for the petitioner to travel from Hanamkonda near Warangal to Hyderabad with a two year old child for every adjournment in the FCOP.No.1614 of 2018 filed by the respondent against her seeking divorce, and to avoid conflicting judgments in O.P.No.s 1614 of 2018 and 392 of 2018, both the cases ought to be heard together. It is also pointed out that petitioner filed DVC.No.92 of 2018 before the VI Additional Judicial First Class Magistrate, Warangal and also a criminal case in Cr.No.121 of 2018 dt.04.11.2018 invoking Section 498A of the IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, which are pending at Warangal.

3. Counsel for the respondent states that the respondent is a private employee and he also having difficulty in attending the Family Court at Warangal on each date of adjournment because of his employment.

4. Since both counsel agree that FCOP.No.392 of 2016 filed by the petitioner under Section 9 of the Act is required to be heard along with FCOP.No.1614 of 2018 filed by the respondent against the petitioner seeking divorce; and since the petitioner has expressed difficulty in traveling from Hanamkonda to Hyderabad on every date of adjournment in the FCOP.No.1614 of 2018, I deem it appropriate to transfer FCOP.No.1614 of 2018 from the Family Court-cum-XVI Additional District Judge at Malkajgiri, Ranga Reddy District to the Court of Family Court Judge at Warangal.

5. Accordingly, this Tr.CMP. is allowed transferring FCOP.No.1614 of 2018 from the Family Court-cum-XVI Additional District Judge at Malkajgiri, Ranga Reddy District to the Court of Family Court Judge at Warangal, to try along with FCOP.No.392 of 2018 filed by the petitioner against the respondent. The said Family Court shall not insist on the presence of the respondent on every date of hearing, in view of the employment of the respondent in private firm, and shall direct him to appear only when his presence is necessary. No order as to costs.

6. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

25th July, 2019.

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