

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Transfer Civil Miscellaneous Petition No.74 of 2019

ORDER :

Heard both sides.

2. This Transfer Civil Miscellaneous Petition is filed seeking withdrawal of Original Petition No.564 of 2014 on the file of III Additional Family Court, Ranga Reddy District, at Malkajgiri to be tried along with Original Petition No.91 of 2016 pending on the file of the Judge, Family court, City Civil Court, Hyderabad.
3. The petitioner herein is the wife of respondent.
4. The respondent had filed Original Petition No.564 of 2014 for dissolution of the marriage solemnized on 25.11.1999 between himself and petitioner.
5. He later filed Original Petition No.91 of 2016 before the Family Court, City Civil Court, Hyderabad under the Guardian and Wards Act to declare that he is the guardian of the minor child born to the parties.
6. The only reason mentioned in the affidavit filed along with this Transfer Civil Miscellaneous Petition is that petitioner is a woman, and without any male assistance it would be difficult for her to appear before the Malkajgiri Court in two cases and at City Civil Court, Hyderabad on each and every date.

7. It is not in dispute that petitioner is employed and that she is an Engineering Graduate, and according to respondent, her employment is in Hi-tech City at Hyderabad, though she is staying at New Nallakunta, at Hyderabad.

8. In the counter-affidavit filed by respondent, he stated that in Original Petition No.564 of 2014, the petitioner had not cross-examined the respondent and her evidence is also closed. It was further contended that there are no common issues of fact in both the Original Petitions, and there is no necessity to club both the Original Petitions.

9. I find considerable force in the said submission.

10. There is no common issue between Original Petition No.564 of 2014 and 91 of 2016 since in the former there is no plea about custody of the child, and in the latter case, there is no plea about dissolution of marriage. Also, Original Petition No.564 of 2014 appears to be at an advanced stage.

11. Merely because the petitioner is a lady she cannot seek transfer because she is an Engineering Graduate and is gainfully employed in Software Company, which is not disputed.

12. I therefore see no reason to withdraw Original Petition No.564 of 2014 on the file of III Additional Family court, Ranga Reddy Court, at Malkajgiri and transfer it to the Family court, City Civil Court, Hyderabad.

13. Accordingly, the Transfer Civil Miscellaneous Petition fails and it is accordingly dismissed. No order as to costs.

14. As a sequel, miscellaneous petitions pending if any in this Transfer Civil Miscellaneous Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01.08.2019

Ndr/*

