

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Transfer Civil Miscellaneous Petition No.119 of 2019

ORDER :

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, 1908 to transfer F.C.O.P.No.13 of 2018 from the Court of Senior Civil Judge at Vikarabad to the Court of the IX Additional Metropolitan Sessions Judge (Full Additional Charge) Additional Metropolitan Sessions Judge for trial of J.H.C.B.B.C.-cum-IX Additional Metropolitan Sessions Judge, Nampally, Hyderabad.

2. The petitioner herein is the wife of respondent and she had filed an application under Section 9 of the Hindu Marriage Act, 1955 for Restitution of Conjugal rights against the respondent, who is her husband. She contended that her husband filed F.C.O.P.No.13 of 2018 before the Senior Civil Judge, at Vikarabad seeking divorce against her; that both matters need to be heard together to avoid conflicting judgments; that she cannot travel to Vikarabad where F.C.O.P.No.13 of 2018 is filed by the respondent, leaving her minor daughter, aged about twelve (12) years. She also pleaded that she is having threat to her life from the respondent and his family members.

3. Though notice in the Transfer Petition has been served on the respondent, there is no representation on his behalf.

4. *Prima facie*, I find force in the contention of the counsel for petitioner that both O.P.s require to be heard together and there is practical difficulty for petitioner to travel to Vikarabad to attend to the proceedings in F.C.O.P.No.13 of 2018 pending before the Court of the Senior Civil Judge, Vikarabad.

5. Accordingly, this Transfer Petition is allowed and F.C.O.P.No.13 of 2018 on the file of the Court of Senior Civil Judge at Vikarabad is transferred to the Court of IX Additional Metropolitan Sessions Judge (Full Additional Charge) Additional Metropolitan Sessions Judge for trial of J.H.C.B.B.C.-cum-IX Additional Metropolitan Sessions Judge, Nampally, Hyderabad to be tried along with O.P.No.7 of 2019 filed by her which is pending on the file of the said Court.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed as above. No order as to costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 13.08.2019

Ndr/*