

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Tr.CMP.Nos.854 of 2018 and 10 of 2019

COMMON ORDER :

These two Transfer Civil Miscellaneous Petitions are between the same parties, therefore they are being disposed of by this Common order.

2. The petitioners in both these Transfer Civil Miscellaneous Petitions are spouses, and they got married on 03.06.2017 at Hyderabad.

3. The petitioner in Tr.C.M.P.No.10 of 2019 is the husband, and he is the respondent in Tr.C.M.P.No.854 of 2018.

4. Likewise, the petitioner in Tr.C.M.P.No.854 of 2018 is the wife, and she is the respondent in Tr.C.M.P.No.10 of 2019.

5. F.C.O.P.No.1229 of 2018 was filed by the husband in the Family Court, at Hyderabad against the wife under Section 12(1)(c) of the Hindu Marriage Act, 1955 to annul the marriage performed between them on the ground of fraud.

6. F.C.O.P.No.2 of 2019 was filed by the wife against the husband for restitution of conjugal rights before the Family Court, Nizamabad.

7. The husband is shown to be a resident of Nizamabad in F.C.O.P.No.1229 of 2018 and F.C.O.P.No.2 of 2019, while the wife is

shown to be a resident of Hyderabad and Krishna District in F.C.O.P.No.1229 of 2018, but shown as resident of Nizamabad in F.C.O.P.No.2 of 2019, filed by her.

8. While the husband in Tr.C.M.P.No.10 of 2019 wants transfer of F.C.O.P.No.2 of 2019 from the Family Court, Nizamabad to the Family Court, Hyderabad to be tried along with F.C.O.P.No.1229 of 2018, the wife in Tr.C.M.P.No.854 of 2018 seeks transfer of F.C.O.P.No.1229 of 2018 on the file of Family Court, City Civil Court, Hyderabad to the Family Court at Nizamabad to be tried along with F.C.O.P.No.2 of 2019.

9. Several allegations are leveled by each party against the other not only in the O.P., but also in the Tr.C.M.P. But, I do not deem it appropriate to deal with the said contentions, since they can as well be dealt with by the Family Court.

10. Suffice it to state that since both parties are shown to be resident of Nizamabad, and admittedly the wife is resident of Nizamabad, though it is alleged that the husband has now shifted to Hyderabad, I deem it appropriate to transfer F.C.O.P.No.1229 of 2018 from the Family Court, Hyderabad to the Family Court, Nizamabad to be tried along with F.C.O.P.No.2 of 2019 on the file of the said Court.

11. Therefore, the Tr.C.M.P.No.854 of 2018 is allowed, and Tr.C.M.P.No.10 of 2019 is rejected. No order as to costs.

12. The Family Court, Nizamabad shall issue '*Notice*' of hearing to both parties in F.C.O.P.No.1229 of 2018 after it is transferred to the said Court, and both parties shall appear before the said Court on the said day in the said case.

13. As a sequel, miscellaneous petitions pending if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19.02.2019

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