

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

TR.C.M.P.No.11 of 2020

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/husband, requesting to withdraw FCOP No.523 of 2019 from the Additional Family Court, City Civil Court, Hyderabad, and transfer the same to the Family Court, Secunderabad, for trial and disposal along with FCOP No.231 of 2019 and GWOP No.10 of 2019, in accordance with law.

2. Heard learned counsel for the petitioner/husband and Smt.Shireesha Damaraju, the respondent who appeared as party-in-person and perused the record.

3. There is no dispute with regard to the pendency of FCOP No.231 of 2019 filed by the petitioner/husband under Section 13(1)(ia) and (iii) read with Section 26 of the Hindu Marriage Act, before the Family Court, Secunderabad. There is also no dispute with regard to pendency of GWOP No.10 of 2019 filed by the respondent/wife under Sections 7,10 and 25 of the Guardians and Wards Act, 1890 before the Family Court, Secunderabad. The subject Tr.CMP is filed to withdraw FCOP No.523 of 2019 filed by the respondent/wife under Section 9 of the Hindu Marriage Act, 1955 and Rules for restitution of conjugal rights before the Additional Family Court, City Civil Court, Hyderabad and transfer the same to the Family Court, Secunderabad in which Court, FCOP No.231 of 2019 and GWOP

No.10 of 2019 are pending. The issues required to be decided in all the FCOPs are similar. Therefore all the matters are to be tried and disposed of by one Court to avoid multiplicity of proceedings and conflicting decisions. Moreover, during the course of submissions, the respondent/wife submitted that she has no objection to grant relief as prayed for.

4. Under these circumstances, since it is a matrimonial dispute and in view of no objection by the respondent/wife to grant relief as prayed for, it is just to allow the Transfer Civil Miscellaneous Petition.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and FCOP No.523 of 2019 is withdrawn from the file of the Additional Family Court, City Civil Court, Hyderabad, and transferred to the file of the Family Court, Secunderabad, for trial and disposal, in accordance with law. Since the respondent/wife made a submission that the petitioner/husband is dragging the proceedings, the Court below is directed to dispose of all the subject petitions FCOP No.523 of 2019, FCOP No.231 of 2019 and GWOP No.10 of 2019, expeditiously.

Miscellaneous petitions, if any, shall stand closed. No costs.

11th February, 2020
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Dr. SHAMEEM AKTHER, J