

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Tr.C.M.P.No.239 OF 2018

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/wife seeking to transfer O.P.No.2284 of 2017 from the file of Judge, Additional Family Court, Ranga Reddy District, to the file of Judge, Family Court, Ranga Reddy District, for trial and disposal, in accordance with law, along with O.P.No.2480 of 2017.

2. Heard the learned counsel for the petitioner/wife and perused the record.

3. No representation for the respondent/husband, in spite of listing the matter under the caption 'for orders'.

4. Learned counsel for the petitioner/wife would submit that the petitioner/wife filed O.P.No.2480 of 2017 on the file of Judge, Family Court, Ranga Reddy District, under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 (for short, 'the Act'), seeking divorce, and the same is pending, whereas, the respondent/husband filed O.P.No.2284 of 2017 on the file of Judge, Additional Family Court, Ranga Reddy District, under Section 13 (1) (ia) of the Act, seeking divorce, and the same is also pending. Both the O.Ps. are filed for dissolution of marriage performed between the parties to the litigation. Therefore, in order to avoid multiplicity of proceedings and conflict of decisions, both the O.Ps. are required to be tried by the same Court and ultimately, prayed to allow the Transfer Civil Miscellaneous Petition, as prayed for.

5. Admittedly, in both the O.Ps., parties are same. The contentions raised by both sides appear to be similar. Similar issues are required to be dealt in both the O.Ps. Under these circumstances, in order to avoid multiplicity of litigation and conflicting decisions, and for proper appreciation of the facts and circumstances of the case and to arrive at a correct conclusion, in the interest of justice, both the O.Ps. are required to be tried by one Court. O.P.No.2480 of 2017 filed by the petitioner/wife is pending on the file of Judge, Family Court, Ranga Reddy District, whereas O.P.No.2284 of 2017 filed by the respondent/husband is pending on the file of Judge, Additional Family Court, Ranga Reddy District. In the given circumstances, it is appropriate for the petitioner/wife to prosecute both the cases at Family Court, Ranga Reddy District. The convenience of the wife is of paramount importance. Further, if O.P.No.2284 of 2017 is withdrawn from the file of Judge, Additional Family Court, Ranga Reddy District, and transferred to the file of Judge, Family Court, Ranga Reddy District, no inconvenience would be caused to the respondent/husband. Therefore, the prayer sought by the petitioner/wife can be granted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and O.P.No.2284 of 2017 is withdrawn from the file of Judge, Additional Family Court, Ranga Reddy District, and transferred to the file of Judge, Family Court, Ranga Reddy District, for trial and disposal, in accordance with law, along with O.P.No.2480 of 2017.

Miscellaneous petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

February 05, 2020.
MD

