

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Tr.C.M.P.No.681 of 2018

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/husband seeking to transfer H.M.O.P.No.147 of 2018 from the file of Senior Civil Judge, Peddapally, to the competent Court at Malkajgiri, Ranga Reddy District, or to any other appropriate Court, as this Court deems fit.

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

3. Learned counsel for the petitioner/husband would submit that the petitioner/husband is working as Hotel Manager in Hyderabad and he is likely to shift to Bangalore. The respondent/wife is also working in Infosys and staying at Singapore Township, Hyderabad, which is near to the Family Court situated at Malkajgiri, Ranga Reddy District. Therefore, in the interest of both parties, the Transfer Civil Miscellaneous Petition may be allowed and H.M.O.P.No.147 of 2018 may be withdrawn from the file of Senior Civil Judge, Peddapally, and transferred to the file of XVI Additional District Judge-cum-Judge, Family Court, Ranga Reddy District at Malkajgiri.

4. On the other hand, learned counsel for the respondent/wife concedes that the respondent/wife is working in Infosys, Hyderabad, and staying in Singapore Township, Hyderabad. But, it is contended that there are other cases

pending between the parties at Peddapally and opposed the relief sought by the petitioner/husband herein.

5. In view of the submissions made by both sides, the point that arises for determination is:

“Whether the H.M.O.P.No.147 of 2018 may be withdrawn from the file of Senior Civil Judge, Peddapally, and transferred to the file of XVI Additional District Judge-cum-Judge, Family Court, Ranga Reddy District at Malkajgiri?”

6. POINT: Admittedly, H.M.O.P.No.147 of 2018 pending on the file of Senior Civil Judge, Peddapally, is filed by the respondent/wife under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short, ‘the Act’), seeking divorce on the ground of cruelty. On the date of filing of subject O.P, the respondent/wife was working in Infosys, Hyderabad, and even now she is continuing her services there. The other cases pending at Peddapally, are with regard to other litigation and not with regard to restitution of conjugal rights etc. It is submitted that a case filed under Section 498-A IPC is pending and the said case has a bearing for determination of the subject O.P. Both the cases are pending at different Courts. The proceedings in the criminal case and the O.P., filed under Section 13 of the Act, are distinct and different. The parameters for adjudication of the aforesaid cases are different. If the aforesaid cases are disposed of by different Courts, there will be no conflict of judgments/order. The XVI Additional District Judge-cum-Judge, Family Court, Ranga Reddy District at Malkajgiri, is convenient to

both parties and it will also help both parties to reduce expenses and pursue the matter expeditiously. Under these circumstances, the prayer sought for by the petitioner/husband can be granted.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.147 of 2018 is withdrawn from the file of Senior Civil Judge, Peddapally, and transferred to the file of XVI Additional District Judge-cum-Judge, Family Court, Ranga Reddy District at Malkajgiri, for trial and disposal in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

18th February, 2020
YVL

Dr. SHAMEEM AKTHER, J

