IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE THIRTY FIRST DAY OF MARCH TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

TRANS. CIVIL MISC.PETITION NO: 7 AND 64 OF 2020

TRANS. CIVIL MISC.PETITION NO: 7 OF 2020

Between:

Bolla Haritha, W/o. Bolla Yugender, D/o. Marri Mallaiah, aged about 33 years, Occu. Agriculture Officer, R/o. Mamidalapally Village, M/o. Veenavanka, Karimnagar District, Now temporarily residing at H.No. 10-37/A, Huzurabad Village and Mandal proper, V/o. Karimnagar District, 505 468.

...Petitioner/Respondent

AND

Bolla Yugendhar, S/o. Laxmaiah, Aged about 36 years, Occu. Business, R/o H. No. 11-24-152, Shanthi Nagar, Bank Colony, Warangal Urban District.

...Respondent/Petitioner

Petition Under Section 24 of the C.P.C. Praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to withdraw the O.P. No. 200 of 2019 pending on the file of the Family Court at Warangal and transfer the same to the Court of Senior Civil Judge at Huzurabad in which the petitioner is advised to file restitution of conjugal rights petition enabling the petitioner to get tried both the matters concurrently.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in O.P. No. 200 of 2019 pending on the file of Family Court at Warangal pending disposal of the above Transfer petition in the interest of justice.

Counsel for the Petitioner: SRI TANGEDA DAYANANDA RAO

Counsel for the Respondent: SRI JITHENDER RAO VEERAMALLA

TRANS. CIVIL MISC.PETITION NO: 64 OF 2020

Between:

Bona Yugandhar, S/o. Laxmaiah, aged 37 years, Occ. Business, H.No-11-24-152, Shanthi Nagar, Bank Colony, Warangal City.

...Petitioner

AND

Smt.Bolla Haritha, W/o.Yugandhar, aged 33 years, Occ.Govt. Servant (Agriculture Officer), H.No-10-37/A, Huzurabad Town and Mandal, Karimnagar District.

...Respondent

Petition Under Section 24 of the C.P.C. Praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to withdraw HMOP No.38 of 2020 from the file of the Senior Civil Judges Court, Huzurabad and may be transferred to the Court of the Judge, Family Court, Warangal to try along with HMOP No. 200 of 2019 filed by the petitioner against the respondent herein U/s.13(1)(ia)(v) of The Hindu Marriage Act, 1955.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings including appearance of the petitioner in HMOP No.38 of 2020 on the file of Senior Civil Judges Court, Huzurabad, pending disposal of the main Transfer Civil Misc. Petition in the interest of justice.

Counsel for the Petitioner: SRI. JITHENDER RAO VEERAMALLA

Counsel for the Respondent: SRI TANGEDA DAYANANDA RAO

The Court made the following: COMMON ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

Tr.C.M.P.No. 7 & 64 of 2020

COMMON ORDER :

Tr.C.M.P. No. 7 of 2020 is filed by the wife to withdraw O.P. No. 200 of 2019 from the file of the Family Court at Warangal and transfer the same to the Court of Senior Civil Judge at Huzurabad wherein she was advised to file Petition for restitution of conjugal rights.

Tr.C.M.P. No. 64 of 2020 is to withdraw HMOP No. 38 of 2020 from the file of the Senior Civil Judge's Court at Huzurabad to be tried with HMOP No. 200 of 2019 at the Family Court Warangal.

As both the maters are interconnected, they are heard together.

The wife filed petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act and the husband filed the O.P. for divorce. There is no dispute that the divorce petition is earlier in time. There is also no dispute that the wife is an Agriculture Officer working at Karimnagar. So far as the husband is concerned, even as per the cause title, he is a businessman though not stated what business it is. Learned counsel for the wife submits that the husband is a contractor.

Learned counsel for the husband submits that his client has a life threat and may not be able to come to the Court at Huzurabad. This argument is liable to be rejected in view of the fact that the wife had filed a Petition for restitution of conjugal rights and that no woman would like her husband to be killed.

Having regard to the law laid down by the Supreme Court in ***Shruti Kaushal Bisht v. Kaushal R. Bisht (Tr.P(Civil) No. 1264 and 2168 of 2019),*** considering the fact that the Family Court is required to reconcile the parties and encourage them to live together, as it is held that the marriage is a sacrament under Hindu Law rather than a contract, and considering the fact that the wife is a government servant who shall adhere to the Code of Conduct and service conditions and the husband being relatively in an independent occupation, it would be just to transfer the divorce O.P. No. 200 of 2019 pending on the file of the Judge, Family Court at Warangal to be tried with O.P.No. 38 of 2020 on the file of the Senior Civil Judge's Court at Huzurabad.

Both the Tr.C.M.P.s are accordingly, disposed of. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judge, Family Court at Warangal.
2. The Senior Civil Judge at Huzurabad.
3. One CC to Sri Tangeda Dayananda Rao, Advocate [OPUC]
4. One CC to Sri Jithender Rao Veeramalla, Advocate [OPUC]
5. Two CD Copies

MMK
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HIGH COURT

DATED: 31/03/2021

COMMON ORDER

TRCMP.Nos.7 and 64 of 2020

BOTH THE TR.C.M.P.s ARE DISPOSED WITHOUT COSTS.

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