

**HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

TRANSFER CIVIL MISCELLANEOUS PETITION No.33 of 2015

**ORDER:**

This petition is filed under Section 24 C.P.C., to withdraw G.O.P.No.395 of 2014 from the file of the Principal District Judge, Medak Court at Sangareddy and transfer the same to the District Judge, City Civil Court, Hyderabad or to any other competent Court at City Civil Court, Hyderabad.

2. Heard learned counsel for the petitioner.

3. In spite of service of notice respondent did not choose to contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

4. A perusal of the record reveals that the marriage of the petitioner with the respondent was officiated on 31.12.2002 at Chanchalguda, Hyderabad, as per Muslim rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with 4 children. For obvious reasons, disputes arose between the parties to the proceedings. The petitioner has been residing at her parents' house due to family disputes. The respondent herein filed G.W.O.P.No.346 of 2011 on the file of the II Additional District & Sessions Judge (FTC), Medak, Sangareddy for custody of elder 3 children. After full trial, G.W.O.P.No.346 of 2011 was dismissed on 22.02.2013. The respondent filed G.O.P No.395 of 2014 on the file of Principal District Judge, Medak for the custody of Syed Mohd. Shahnawaz Abdullah (ward).

5. As per the averments made in the petition, Syed Mohd. Shahnawaz Abdullah is residing along with the petitioner. It is not out of place to extract hereunder Section 9(1) of Guardian and Wards Act,

1890, which reads as follows:

**9. Court having jurisdiction to entertain application**

“(1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.”

6. A perusal of Section 9 (1) of the Act clearly demonstrates that G.O.P has to be filed in the Court within whose territorial jurisdiction the ward is ordinarily residing. Having regard to the facts and circumstances of the case and also the scope of Section 9 of the Act, I am of the considered view that the relief sought by the petitioner can be granted.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. G.O.P.No.395 of 2014 is withdrawn from the file of the Principal District Judge, Medak Court at Sangareddy and transferred to the District Judge, City Civil Court, Hyderabad for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

-  

---

**T.SUNIL CHOWDARY, J.**

**Date: 18.06.2015.**

**Gv/**

-

-