IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Transfer C.M.P.No.370 of 2015

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Between:

Smt.Vevaveni Mahalaxmi

.. Petitioner

And

Ambadi Subhash and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

1. Whether Reporters of Local newspapers may be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No

3. Whether Their Lordship wish to see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.370 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw G.O.P.No.122 of 2015 from the file of the District Judge, Adilabad, and transfer the same to District Court, at Karimnagar, for disposal in

accordance with law.

2. Inspite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to pass orders on merits in the absence of the respondent. Heard the learned counsel for the petitioner.

3. The marriage of the first respondent was performed with Vevaveni Vasantha, who is the daughter of the petitioner herein, on 01.09.2013 at Ramakrishnapur of Mandamarri Mandal of Adilabad District, as per Hindu rites and caste customs. Immediately after the marriage, the said Vasantha joined the respondent to lead marital life. Out of lawful wedlock, the respondent and Vasantha were blessed with a son on 03.09.2014. Unfortunately Vasantha died on 03.09.2014 itself. The respondent has been working in Singareni Collaries, Ramakrishnapur, Adilabad District. The respondent filed G.O.P.No.122 of 2015 on the file of the District Court, Adilabad seeking custody of his minor son by name Ambadi Vamsi. Even as per the recitals of GOP No.122 of 2015, Ambadi Vamsi (minor) has been residing in Sultanabad of Karimnagar District. The material available on record *prima facie* reveals as on the date of filing of GOP No.122 of 2015, the minor boy Vamsi has been residing at Sultanabad within the territorial jurisdiction of the District Court, Karimnagar. For better appreciation of rival contentions, it is not out of place to extract here under Section 9 of the Guardian and Wards Act (for short 'the Act').

> Section-9: Court having jurisdiction to entertain application:
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> > "(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."

4. A perusal of Section 9 of the Act at a glance demonstrates that a person who seeks the custody of a minor child has to file a petition in

the District Court within whose territorial jurisdiction the minor has been residing.

5. Having regard to the scope of Section 9 of the Act and also the facts and circumstances of the case, I am of the considered view that the petitioners deserve the relief sought for.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. G.O.P.No.122 of 2015 is withdrawn from the file of the District Court, Adilabad, and transferred to the file of the District Court, at Karimnagar, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

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T.SUNIL CHOWDARY, J

11.08.2015.
Rns