

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CMP.No.340 of 2015

Date:21.07.2016

Between:

Tajunisa

... Petitioner.

AND

Sk. Mustaq Ahmed

...Respondent.

The Court made the following:

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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Tr.CMP.No.340 of 2015

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ORDER:

This application is filed to withdraw G.W.O.P.No.283/2015 on the file of Principal District Judge, Guntur and transfer the same to Chief Judge, City Civil Court, Hyderabad.

2. Wife filed this application and according to her affidavit, her marriage was performed on 05-09-2004 at Yellandu of Khammam District as per Muslim Religious Rites and Custom and marriage was immediately consummated. She stated that out of wedlock, a female and male child were born, who are aged about 8 & 5 years respectively. She stated that two years after the marriage, she and her husband lived at Mudigonda Villiage of Khammam District and thereafter, respondent was transferred to Ponnur and that she was transferred to Tenali. She stated that thereafter due to harassment both physical & mental from the respondent and differences, she is living with her parents as she was mercilessly thrown out from the matrimonial home along with her children on 22-07-2012.

She stated that now she is living at Santhoshnagar, Hyderabad and the respondent filed G.O.P., after lapse of three years before Guntur Court only to harass her. She stated that respondent without paying single pie to herself and her children, filed the Guardian O.P., for custody of the children. She stated that children are residing at Hyderabad and prosecuting their education. It is further stated that distance between Hyderabad and Guntur is more than 260 K.Ms and that there is no safe and security for her and her children at Guntur. For these reasons, she prayed for transfer of G.O.P.No.283/2015 from Principal District Judge, Guntur to Chief Judge, City Civil Court,

Hyderabad.

3. Respondent, in spite of taking time for filing counter, did not chose to file any counter disputing the affidavit averments of the petition.

4. Heard arguments.

5. As seen from the material filed along with Tr.CMP., the respondent himself admitted that children are now studying in a school known as SR Digi School, Santhoshnagar Branch, Hyderabad. So admittedly, children are at Hyderabad therefore it is desirable if custody application is decided by the Court within whose jurisdiction, the children are residing.

6. As seen from the affidavit of the wife, she expressed difficulty for her travel from Hyderabad to Gutnur for the purpose of this petition. She also contended that there is no safety for her life and to the life of children at Gutnur. These allegations are not rebutted by fling any counter. Therefore, considering these aspects, I am of the view that the request of the petitioner for transfer of G.O.P. is to be considered.

7. Accordingly, Guardian O.P.No.283/205 is withdrawn from the Principal District Judge, Guntur and transferred to Family Court, Hyderabad for disposal in accordance with law.

8. Petition is ordered accordingly and as a sequel, miscellaneous petitions, if any, pending in this Tr.CMP., shall stand disposed of. No costs.

JUSTICE S. RAVI KUMAR

Date:21.07.2016

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