

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.662 of 2015

ORDER:

This petition is filed to withdraw H.M.O.P.No.17 of 2015 from the file of Senior Civil Judge, Piler, Chittoor District, and transfer the same to Family Court, Malkajgiri, Ranga Reddy District.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 30.03.2001 at Hyderabad and immediately after the marriage she joined respondent at Gachibowli and till birth of girl child respondent stayed with her happily and thereafter started harassing her. She stated that due to the disgusted attitude of respondent, she lodged a complaint with Keesara Police Station, who filed charge sheet in C.C.No.266 of 2015 before X Metropolitan Magistrate, Malkajgiri and respondent is attending the said Court. She stated that respondent intentionally filed H.M.O.P. at Piler and distance between Hyderabad and Piler is about 700 kms. and there is no direct conveyance between these two places. She stated that respondent is now residing at Chennai and it is difficult for her to travel from Malkajgiri to Piler, therefore, she prayed for transfer of H.M.O.P.No.17 of 2015 from Senior Civil Judge, Piler, to Family Court, Malkajgiri.

3. This Court permitted petitioner to take personal

notice to respondent through registered post with acknowledgment due and file proof of service. In compliance of the said order, advocate for petitioner filed memo on 06.01.2016 stating that the notice sent to respondent is returned with an endorsement 'unclaimed'. Advocate for petitioner submitted that the returned cover is filed along with memo and as the respondent has not claimed the notice it has to be treated as deemed service.

4. Heard arguments.

5. Considering the reasons stated in the affidavit and considering the fact that respondent has not claimed registered notice as per endorsement of postal department, the request of wife can be considered.

6. For these reasons, H.M.O.P.No.17 of 2015 is withdrawn from Senior Civil Judge, Piler, Chittoor District, and transferred to Family Court, Malkajgiri, Ranga Reddy, for disposal in accordance with law.

7. Accordingly, transfer C.M.P. is ordered.

8. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

10th August 2016.

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