

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.473 of 2015

ORDER:

This petition is filed to withdraw F.C.O.P.No.703 of 2014 from Family Court, Secunderabad and transfer the same to the Court having jurisdiction at Nizamabad.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 01.09.2013 at Armour Village, Nizamabad District according to Hindu rites and caste customs and that she joined respondent and led a happy matrimonial life for sometime, thereafter, her husband and her in laws started harassing her both mentally and physically. She stated that as the harassment reached its peak, she came over to her parent's house and there she gave birth to a male child who is now aged about 7 months. She also stated that she received a notice from Family court, Secunderabad, through which she came to know that respondent filed FCOP.No.703 of 2014 seeking restitution of conjugal rights. She further stated that distance between Nizamabad, where she is staying and Secunderabad is about 250 km. and it is difficult for her to travel with baby of 7 months old. She stated that there is a life threat to her and her child in the hands of respondent. For these reasons, she prayed for transfer of F.C.O.P.No.703 of 2014 from Family Court, Secunderabad to Nizamabad.

3. This Court permitted petitioner to take out personal notice to respondent through registered post with acknowledgment due and in compliance of the said order, a memo is filed on 16.11.2015 stating that notice sent to respondent is returned with an endorsement 'unclaimed' and filed returned cover with the memo.

4. Heard arguments.

5. The registered notice sent to the respondent has returned with an endorsement 'unclaimed' and therefore 'returned to sender'. The same is treated as deemed service. Considering the reasons stated in the affidavit and also considering convenience of wife, F.C.O.P.No.703 of 2014 is withdrawn from Family Court, Secunderabad, and transferred to Family Court, Nizamabad, for disposal in accordance with law.

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

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

S. RAVI KUMAR, J

12th August 2016.

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