

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI
TRANSFER CIVIL MISCELLANEOUS PETITION No.282 of 2017

ORDER:

This is a petition, under Section 24 of the Code of Civil Procedure, 1908, by the petitioner-wife requesting to withdraw O.P.No.20 of 2014 on the file of the Additional Senior Civil Court, Ananthapuram, and transfer the same to the Court of the learned Senior Civil Judge, Adoni, Kurnool District.

2. Though the respondent is served with notice, he did not enter appearance.

3. I have heard the submissions of Sri B.Vijaya Bhaskar, learned counsel for the petitioner. I have perused the material record.

4. On consideration of the submissions, particularly, the submission that the wife is having custody of a 4½ year old child and that on account of her financial weakness, incapacity, lack of assistance and inability to travel alone with an young child to the Court at Anantapuram, she is obliged to file this transfer petition seeking transfer of the husband's O.P., to the Court at Adoni of Kurnool District, and the further fact that the husband is not resisting the application of the wife and is not coming forward to offer to pay the travelling, lodging and incidental expenses to the petitioner-wife and another person, who may accompany her, on the days she is required to undertake travel from Adoni to Anantapuram, this Court is satisfied that the petitioner's/wife's request merits consideration and that this is a fit case to grant the relief.

5. In the result, the Transfer Civil Miscellaneous Petition is allowed and the O.P.No.20 of 2014 is withdrawn from the file of the Court of the learned Additional Senior Civil Judge, Ananthapuram and is transferred to the Court of the learned Principal Senior Civil Judge, Adoni of Kurnool District, for trial and disposal in accordance with the procedure established by law. The transferor Court is directed to transmit the duly indexed record to the transferee Court as expeditiously as possible and preferably within two weeks from the date of receipt of a copy of this order. On receipt of the said record, the transferee Court shall endeavour to dispose of the afore-stated OP as expeditiously as possible, preferably within three months thereafter.

Pending miscellaneous petitions, if any, shall stand closed.

September 11, 2017
Lmv

JUSTICE M.SEETHARAMA MURTI



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