

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

TR.CMP.No.621 OF 2011

ORDER:

The notice ordered as per the docket order of the Court dated 04.04.2014 Para 3 taken is returned after deposit for seven days of not available for more than a week in the attempt to serve is a sufficient service as practically unclaimed. Thus, pursuant to the order of the another Bench of this Court, dated 05.02.2013, in the main Tr.C.M.P.No.621 of 2011 allowing the same for transfer of the divorce O.P. from the file of the Senior Civil Judge, Jagtial, Karimnagar District to Principal Judicial Magistrate of First Class, Nirmal of Adilabad to try with M.C.No.24 of 2011, since recalled for the mistake and from the fact that the Junior Civil Judge, in the capacity of Judicial Magistrate even cannot try the divorce petition and ordered notice to be taken to the respondent afresh. Even the order is recalled, when the very prayer in the transfer petition itself is to transfer to Junior Civil Judge Court at Nirmal, thereby it cannot be passed including from the recalled order of this Court, dated 04.04.2014, hence, the main transfer petition does not survive to perform an impossibility, thereby dismissed with liberty to file fresh transfer application if at all required. Needless to say, the matters are of 2011 and the trial/enquiry need not be stopped respectively in both matters.

2. Accordingly, this transfer civil miscellaneous petition is dismissed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as consequence. There shall be no order as to costs.

Dr.B.SIVA SANKARA RAO,J

31.10.2017
SS

