

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

TRANSFER CIVIL MISCELLANEOUS PETITION NO.717 OF 2016

ORDER:

This transfer civil miscellaneous petition, under Section 24 of Code of Civil Procedure, 1908, is filed by the petitioner/wife requesting to withdraw F.C.O.P.No.161 of 2016 pending on the file of the Judge, Family Court-cum-District Court at Khammam, and transfer the same to the Court of the learned Senior Civil Judge, Mahabubabad.

2. Heard, *Sri J. Venkateshwara Reddy*, learned counsel appearing for the petitioner and *Sri M.K. Raj Kumar*, learned counsel appearing for the respondent. I have perused the material record.

3. Learned counsel for the petitioner while reiterating the pleadings in the petition would submit that both parties are residents of Mahabubabad and that this is the only case pending between the parties and that if the case is transferred to the Senior Civil Judge's Court, Mahabubabad, it would be convenient to both parties and that the petitioner, who is having two minor daughters, is not in a position to undertake travel all alone from Mahabubabad to Khammam to attend the afore-stated case filed by the husband in the Court at Khammam and that it

is very difficult for her to attend the Court case at Khammam leaving the minor daughters without anybody to attend upon them in her absence.

4. Learned counsel for the respondent would submit that in view of the stay orders in this case the enquiry in the case is held up and therefore, appropriate orders be passed on the merits of the matter. The respondent is not seriously resisting the request of the petitioner/wife.

5. Having regard to the facts and submissions and as it is borne out by the record that both parties are residents of Mahabubabad and as the wife has made out valid and sufficient grounds for granting the relief and as the husband is not seriously resisting the request of the petitioner/wife, this Court considers it appropriate to grant relief.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.161 of 2016 pending on the file of the Judge, Family Court-cum-District Court, at Khammam, is withdrawn and is transferred to the Court of the learned Senior Civil Judge, Mahabubabad, for trial and disposal, in accordance with the procedure established by law. Considering the urgency pleaded by the respondent/husband, the transferor Court is directed to transmit the

duly indexed record of the afore-stated case to the transferee Court, expeditiously. The transferee Court on receipt of the record shall endeavour to dispose of the case, as expeditiously as possible.

Miscellaneous petition, if any, pending in the transfer civil miscellaneous petition shall stand closed.

M. SEETHARAMA MURTI, J

August 30, 2017

*Note: Furnish C.C. by
04-09-2017. B/o.Pn*



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