

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI
TRANSFER CIVIL MISCELLANEOUS PETITION No.885 of 2016

ORDER:

This is a petition, under Section 24 of the Code of Civil Procedure, 1908, by the petitioner-wife requesting to withdraw H.M.O.P.No.97 of 2016 on the file of the Court of the learned Additional Senior Civil Judge, Ananthapuram, and transfer the same to the Court of the learned Principal Senior Civil Judge, Kurnool or Family Court, Kurnool, for trial and disposal in accordance with the procedure established by law.

2. I have heard Sri J.Janaki Rami Reddy, learned counsel for the petitioner, and of Sri Botla Vijay Bhaskar, learned counsel for the respondent. I have perused material record.

3. A perusal of the petition filed by the petitioner-wife would show that the afore-stated H.M.O.P., is filed by the respondent-husband under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955, seeking a decree dissolving the marriage between the parties. In this petition seeking transfer of the said OP, wife's inconvenience, lack of assistance, financial weakness to meet the travel, lodging and incidental expenses and incapacity to undertake travel from her place of residence to Anantapur, are urged as grounds in support of the request for transfer.

4. The respondent-husband having entered appearance has not filed any counter. At the hearing, it is stated that the husband has no objection to transfer the OP, as sought for by the wife, but a direction may be given to dispose of the OP as expeditiously as possible.

5. Having regard to the facts and submissions, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.97 of 2016 is withdrawn from the file of the Additional Senior Civil Court, Ananthapuram, and is transferred to the Court of the learned Principal Senior Civil Judge, Kurnool, for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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