

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Transfer Civil Miscellaneous Petition No.457 of 2016

ORDER:

Heard Sri G. Sridhar, learned counsel, for Sri Pavan Kumar Aditya M., learned counsel for the petitioner-wife.

2. Despite service of notice, as could be seen from the acknowledgment and memo filed by the petitioner-wife, respondent-husband has not entered appearance.

3. The present Transfer Civil Miscellaneous Petition is filed by the petitioner-wife requesting to withdraw H.M.O.P. No.52 of 2016 pending on the file of Senior Civil Judge, Mangalagiri, filed by the respondent-husband for dissolving the marriage by grant of decree of divorce and to transfer the same to the file of III-Additional Judicial Magistrate of First Class, Tirupati.

4. The ground on which the request made is that she has filed D.V.C. No.15 of 2016 on the file of learned III-Additional Judicial Magistrate of First Class, Tirupati, and she has got a tender baby of eight-months old on the date of filing the present Transfer Civil Miscellaneous Petition and it is difficult for her to travel to Mangalagiri.

5. It appears to be a reasonable ground to withdraw H.M.O.P. No.52 of 2016 pending on the file of Senior Civil Judge, Mangalagiri and to transfer the same as requested since she has got a small child and residing with her parents. No doubt, H.M.O.P. cannot

be tried with D.V.C. But, however, the Judge, Family Court-cum-Additional District Judge, Tirupati is competent to try H.M.O.P.

6. Therefore, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.52 of 2016 pending on the file of Senior Civil Judge, Mangalagiri is withdrawn and transferred to the file of Judge, Family Court-cum-Additional District Judge, Tirupati. The transferee Court shall issue notices to both parties on receipt of case bundle and then proceed to dispose of H.M.O.P. in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the Transfer Civil Miscellaneous Petition shall stand closed.

Dt. 17.04.2018
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A.SHANKAR NARAYANA