

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Transfer Civil Miscellaneous Petition No.142 of 2018

ORDER:

The present Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 (for short, 'C.P.C.') by the petitioner-wife to withdraw O.P. No.321 of 2017 on the file of III-Additional Senior Civil Judge, Kakinada, East Godavari District, Andhra Pradesh State and to transfer the same to the file of learned XV-Additional District and Sessions Judge-cum- II-Additional Family Judge at Kukatpally, R.R. District, Telangana State.

2. Heard Sri P. Subba Rao, learned counsel for the petitioner.

3. Learned counsel for the petitioner would submit that though, notice was sent to the respondent he refused to receive notice and the endorsement is also made to that effect by the concerned authority. Learned counsel also would submit that since this is a matrimonial matter, O.P. No.321 of 2017 on the file of III-Additional Senior Civil Judge, Kakinada, East Godavari District, Andhra Pradesh State, was filed by the respondent-husband for dissolution of marriage by grant of decree of divorce, and inconvenience of the wife has to be taken into consideration by placing reliance in **Sumita Singh v. Kumar Sanjay**¹.

¹ AIR 2002 SC 396

4. Learned counsel also would submit that the distance between place of residence of the petitioner as she has been taking shelter at her parents house and she has been suffering with permanent disability of 77% and even a certificate is filed in evidence thereof, it would be too difficult for her to travel more than 500 kms to attend the Court at Kakinada.

5. These allegations have not been controverted by the respondent-husband by entering appearance, though, he refused to receive notice. The fact that the petitioner is suffering with 77% disability is borne from the medical certificate issued by the Medical Board showing that she is suffering with Bilateral Lower Limb, Impaired reach, Post Polio Residual Paralysis. Therefore, there is every justification to order the present Transfer Civil Miscellaneous Petition.

6. Hence, the Transfer Civil Miscellaneous Petition is allowed. Consequently, O.P. No.321 of 2017 pending on the file of III-Additional Senior Civil Judge, Kakinada, East Godavari District, Andhra Pradesh State, is withdrawn and transferred to the file of XV-Additional District and Sessions Judge-cum- II-Additional Family Judge at Kukatpally, R.R. District, Telangana State. The Transferee Court shall issue notices to both parties on receipt of case bundle and dispose of the 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.

A.SHANKAR NARAYANA

Dt. 13.04.2018
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