

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CIVIL MISCELLANEOUS PETITION No.408 OF 2014

ORDER:

Heard the learned counsel for the petitioner, who would submit that the petitioner-wife sought withdrawal of O.P. No.33 of 2014 on the file of Judge, Family Court, Rangareddy District, filed by the respondent-husband under Section 13 (1) (ia) & (ib) of Hindu Marriage Act, 1955, for dissolution of marriage and to grant decree and to transfer the same to the file of VIII-Additional District Judge, Miryalaguda, Nalgonda District.

Though, notice is taken to the address shown by the respondent in O.P. No.33 of 2014, the same could not be served, and the respondent-husband is avoiding to take notice. The postal endorsement shows that there is no such person in the said address. In fact, the address of respondent-husband in O.P. No.33 of 2014, who filed the said O.P. for the relief of dissolution of marriage himself has given, and the very same address is mentioned in the present Transfer Civil Miscellaneous Petition while describing him as the respondent herein.

In such an event, certainly, it appears that the respondent-husband is evading to receive notice. Therefore, even in the absence of the respondent, the request can be examined.

The affidavit would show that the petitioner is the resident of Miryalaguda, Nalgonda District, and, in fact there was also a complaint made by her with the Station House Officer, Miryalaguda,

upon which Crime No.17 of 2014 was registered and she has got 22-months-old Son on the date when she filed the present Transfer Civil Miscellaneous Petition, certainly, it would be arduous to make her to travel to Rangareddy District from Miryalaguda to attend O.P. proceedings.

There is justification and the ground shown is sufficient to accede to the relief.

Therefore, the said Transfer Civil Miscellaneous Petition is allowed withdrawing O.P. No.33 of 2014 on the file of the Judge, Family Court, Rangareddy District and transferring the same to the file of VIII-Additional District Judge, Miryalaguda. 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. 04.04.2018
gbs

A.SHANKAR NARAYANA