

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr. CIVIL MISCELLENEOUS PETITION No.219 of 2018

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of CPC, is filed to withdraw HMOP No.147 of 2017 pending on the file of Principal Senior Civil Judge at Tirupathi, Chittor District, filed for dissolution of the marriage between the petitioner and the respondent, who is styling herself as daughter of 'Manam Penchalaiah' to create jurisdiction on the Senior Civil Judge, Tirupathi though she is working as software engineer in IBM at Bangalore since 2010.

The petitioner also raised several contentions with regard to filing of cases one after the other before different Courts. In para No.11 of the Petition, the specific ground urged is that their marriage took place at Proddutur, Kadapa District, and resided lastly in US and therefore, the Principal Senior Civil Judge, Tirupathi, Chittor District, has no territorial jurisdiction since no part of cause of action arose at Tirupathi, but the respondent deliberately suppressed the facts and filed petition before the Principal Senior Civil Judge, Tirupathi, for grant of divorce and requested to withdraw H.M.O.P.No.147 of 2017 and transfer the same to some other Court.

The question of jurisdiction depends upon the cause of action. But in the petition filed for grant of divorce, the cause of action was shown within the jurisdictional limits of the Principal Senior Civil Judge at Tirupathi. Therefore, the trial Court is directed to frame appropriate issues and decide territorial jurisdiction as preliminary issue and pass appropriate orders after affording an opportunity to both the parties.

With the above direction, this Transfer Civil Miscellaneous Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY,J

Dt: 23-10-2018

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