

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

TRANSFER CIVIL MISCELLANEOUS PETITION No.921 of 2016

ORDER:

Petitioner in this application seeks transfer of F.C.O.P.No.1555 of 2016 from the Additional Family Court, Miyapur, Ranga Reddy District, to the Family Court, Visakhapatnam.

2. The respondent husband filed F.C.O.P.No.1555 of 2016 for divorce, before the Judge, Additional Family Court, Miyapur, Ranga Reddy District. The petitioner wife has filed F.C.O.P.No.1575 of 2016 for maintenance, before the Judge, Family Court, Visakhapatnam. The couple has a young child, now three years old.

3. Perusing the material particulars and factors, I am of the view that trial of all the disputes between the parties including the possibility of any settlement as between them having a particular regard to the child involved in the matter should be best taken place at the place where the child resides and therefore, nearer to the home of the wife.

4. It is noticed that through an interim order, dated 03.01.2017, further proceedings in F.C.O.P.No.1555 of 2016 stand stayed. However, the respondent does not contest this matter. It can be deduced that he has sufficient knowledge about the pendency of the matter in view of the afore-noted interim order. Though the postal cover has been returned by stating that the door has been locked and notice could not be served on the respondent, the notice was sent to the respondent to the address which he mentioned in the application filed by him for divorce before the Court below. Therefore, due service is hereby recorded and this application is found eligible to be allowed.

5. In the result, this application is allowed transferring F.C.O.P.No.1555 of 2016 from the Additional Family Court, Miyapur, Ranga Reddy District, to the Family Court, Visakhapatnam.

Pending miscellaneous petitions, if any, shall also stand disposed of.

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THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 14.12.2018

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