

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CIVIL MISCELLANEOUS PETITION No.227 OF 2013

ORDER:

In fact, the address mentioned in the present Transfer Civil Miscellaneous Petition by the petitioner-respondent in H.M.O.P. No.14 of 2012 on the file of Senior Civil Judge, Gudivada, Krishna District, is the same address, which was described by the respondent herein, who is the petitioner therein, seeking the relief for dissolution of marriage by grant of decree of divorce. In such an event, on many occasions notices were taken by the petitioner-wife. On the mere ground that door number was not mentioned is not a ground to view that there is defect in mentioning the address by the petitioner herein.

The present Transfer Civil Miscellaneous Petition relates to the year 2013. It appears that the respondent-husband is evading to receive notice. Hence, disposed of at the admission stage viewing that notice sent is deemed service in accordance with the provisions of General Clauses Act, 1897, deriving the presumption.

Turning to the merits in the present case, as submitted by the learned Counsel Sri P. Subba Rao, for Sri Posani Venkateswarlu, learned counsel for the petitioner on record, the petitioner, admittedly, resides at Guntur, whereas the respondent-husband resides at Krishna District, and the case is pending on the file of Senior Civil Judge, Gudivada, and it is difficult for her to travel all the way to Gudivada from Guntur.

Keeping in view that she has aged mother to be looked after by her and finding that the said reason is genuine, the present request is acceded to by allowing the Transfer Civil Miscellaneous Petition.

Therefore, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P. No.14 of 2012 on the file of Senior Civil Judge, Gudivada, is withdrawn and transferred to the file of Judge, Family Court-cum-Additional District Judge, Guntur. The transferee Court shall issue notices to the parties and then proceed with further proceedings. 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. 06.04.2018
gbs

A.SHANKAR NARAYANA