HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CIVIL MISCELLANEOUS PETITION No.5 OF 2014

ORDER:

Heard Sri K. Laxmaiah, learned counsel, for Sri V. Brahmaiah Chowdary, learned counsel for the petitioner.

In fact, notices were taken out to the respondent-husband, who filed H.M.O.P.No.130 of 2013 on the file of Senior Civil Judge, Khammam, seeking dissolution of marriage by grant of decree of divorce. The respondent herein, who is the petitioner in the said H.M.O.P., shown his address as described in the present petition. On one occasion, the report of the authority is 'he did not claim it' and thereafter, on the mere ground that Door number was not mentioned notice was returned. In fact, when the same address is mentioned in the present Transfer Civil Miscellaneous Petition filed by the petitioner, there is no occasion for non-service of notice on the respondent. It shows that the respondent is deliberately not receiving the notice.

Therefore, drawing the presumption under General Clauses Act, 1897, notice is deemed to have been served.

As regards the request, learned counsel would submit that the petitioner is resident of Nalgonda District and as such it is difficult for her to travel to Khammam Court where the respondent resides, besides there are Domestic Violence Case and a Criminal Case under Section 498-A of I.P.C. and Sections 3 and 4 of Dowry Prohibition Act, 1961 were also pending at Suryapet Courts, Nalgonda District.

Keeping in view the said circumstances, her request is acceded to by allowing the Transfer Civil Miscellaneous Petition.

Therefore, the Transfer Civil Miscellaneous Petition is allowed withdrawing H.M.O.P. No.130 of 2013 on the file of Senior Civil Judge, Khammam, and transferred the same to the file of Senior Civil Judge, Suryapet, Nalgonda District. 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.

A.SHANKAR NARAYANA

Dt. 06.04.2018
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