

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

TRANSFER CIVIL MISCELLANEOUS PETITION No.727 OF 2016

ORDER:

This is an application for transfer of F.C.O.P.No.2067 of 2015 from the Court of the XVI Additional District Judge, Malkajgiri, to the Court of the Family Judge, Eluru, West Godavari District. The said application was filed by the respondent/husband seeking dissolution of marriage.

2. Notice on this application for transfer was taken by registered post with acknowledgement due on the very same address, which is shown by the respondent in his application for divorce before the Court below. However, it has been returned with endorsement that 'no such addressee in this address'. The fact of the matter that the proceedings before the Court below stands stayed by this Court from 01.12.2016, noticing that the petitioner herein was facing inconvenience, incapacity and lack of assistance and financial weakness to undertake travel to attend the case at Hyderabad. It is, therefore, declared that the notice on the respondent has been duly served.

3. Heard the learned counsel for the petitioner in the light of the pleadings on record.

4. Having regard to the facts and circumstances of the case and also considering the fact that the petitioner/wife is residing near Eluru with her parents, it is required that F.C.O.P.No.2067 of 2015 from the Court of the XVI Additional District Judge, Malkajgiri, to be

transferred to the Court of the Family Judge, Eluru, West Godavari District.

5. In the result, the Transfer Civil Miscellaneous Petition is allowed transferring F.C.O.P.No.2067 of 2015 from the Court of the XVI Additional District Judge, Malkajgiri, to the Court of the Family Judge, Eluru, West Godavari District.

Miscellaneous petitions, pending if any, shall stand closed.

06.12.2018
pln

THOTTATHIL B. RADHAKRISHNAN, CJ

