

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Transfer Civil Miscellaneous Petition No.602 of 2016

ORDER:

Heard M. Chalapathi, learned counsel for the petitioner. He requests to withdraw H.M.O.P No.31 of 2016 from the file of Senior Civil Judge, Kandukur, Prakasam District, and transfer the same to any Court having jurisdiction at Hyderabad, to try and decide the said H.M.O.P.

2. Learned counsel for the petitioner would submit that as two children are born out of wedlock between the petitioner and the respondent, and the respondent deliberately filed H.M.O.P. No.31 of 2016 before the Court of Senior Civil Judge at Kandukur, Prakasam District, which Court is at a distance of about 500 kms, and it would be arduous task for the petitioner to attend the said Court with two tender aged children, without male assistance requests to transfer the HMOP to the Court at Hyderabad.

3. No response is forthcoming despite service of notice on the learned counsel for the respondent before the Court below.

4. There is every justification to accede to the request when kept in view, that the petitioner - wife is residing at Old Alwal, near Secunderabad along with both the children. Accordingly, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, H.M.O.P. No.31 of 2016 pending on the file of Senior Civil Judge at

Kandukur, Prakasam District, is withdrawn and transferred to the file of Family Court, Secunderabad, as the learned counsel would submit that Secunderabad Court would be convenient as the petitioner has been residing in Old Alwal, Secunderabad. The transferee Court shall issue notices to both parties on receipt of case bundle and dispose of H.M.O.P. in accordance with law. 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. 30.04.2018
gbs

A.SHANKAR NARAYANA

