

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

TRANSFER CIVIL MISCELLANEOUS PETITION No.73 OF 2016

ORDER:

This application is filed for transfer of F.C.O.P.No.165 of 2015 from the Court of the Senior Civil Judge, Ramachandrapuram, East Godavari District, to the Family Court, Nizamabad, Nizamabad District, on the ground that the petitioner/wife is staying in Nizamabad District. She is also shown to have filed Maintenance Case and Domestic Violence Case in the Courts at Nizamabad. However, the application for divorce was filed by the respondent/husband before the Court of the Senior Civil Judge, Ramachandrapuram, East Godavari District.

2. Having considered the pleadings in the application, more particularly in paragraph 3 of the affidavit accompanying the application, I am satisfied that sufficient grounds are shown for transfer of the case to Nizamabad.

3. Notwithstanding the fact that the proceedings before the Court below stands stayed from 11.12.2016, the respondent has not chosen to enter appearance. Though the notice could not be served on the respondent, there is no reason to assume that the respondent is not aware of these proceedings, since there is already an order of stay operating against the respondent from 11.12.2016.

4. Having regard to the facts and circumstances of the case demonstrated by the petitioner, it is abundantly fit case to transfer F.C.O.P.No.165 of 2015 from the Court of the Senior Civil Judge, Ramachandrapuram, East Godavari District, to the Family Court, Nizamabad, Nizamabad District, where the petitioner/wife is residing.

5. Hence, this Transfer Civil Miscellaneous Petition is allowed transferring F.C.O.P.No.165 of 2015 from the Court of the Senior Civil Judge, Ramachandrapuram, East Godavari District, to the Family Court, Nizamabad, Nizamabad District.

Miscellaneous petitions, pending if any, shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

06.12.2018
pln

