

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CIVIL MISCELLANEOUS PETITION No.242 OF 2018

ORDER:

The petitioner-wife requests to withdraw O.P. No.922 of 2018 pending on the file of Judge, Family Court, Malkajgiri, Rangareddy District, filed by the respondent-husband for dissolution of marriage by grant of decree of divorce and also to transfer the same to the Judge, Family Court, Hyderabad.

2. Heard Smt. E.T. Manjushaa, learned counsel for the petitioner.

3. Respondent has not entered appearance, despite track consignment record filed by the petitioner showing that item was delivered on 21.4.2018 indicating service.

4. The grounds on which transfer is sought for by the petitioner are that she has a tender aged child and the respondent-husband has not paid even a single pie and the respondent in fact filed divorce petition as a counter-blast to O.P. No. 9 of 2017, filed for custody of the child under Sections 7 and 10 of Hindu Minority and Guardianship Act, 1956, as the respondent-husband threatened that he would take away the child unless she gives consent for divorce and would send the child abroad. It is also her submission that she apprehends danger in the hands of the respondent and his sisters and, in fact, she even filed a petition for restitution of conjugal rights, pending on the file of Family Court, City Civil Court, Hyderabad.

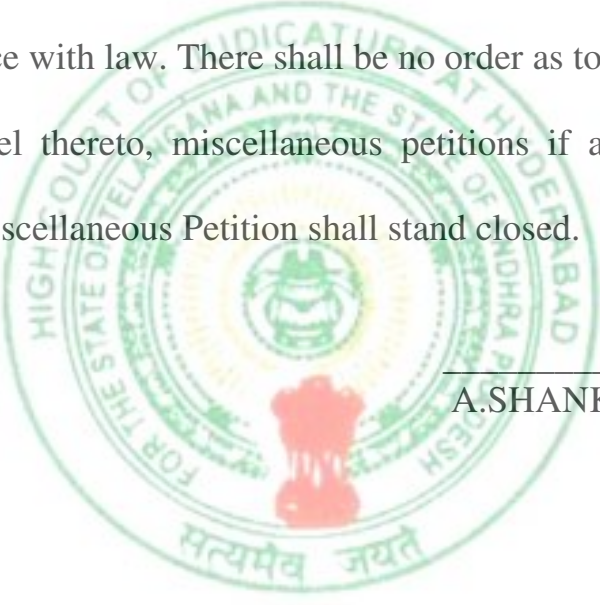
5. Since the respondent-husband has not chosen to appear and controvert the allegations levelled in the petition accompanying affidavit and

since there is every reason to accede to the request in view of the grounds mentioned in the above, more particularly, when kept in view, the convenience of the petitioner-wife herein besides the two cases that are pending on the file of Judge, Family Court, City Civil Court, Hyderabad.

6. Therefore, the Transfer Civil Miscellaneous Petition is allowed. Consequently, O.P. No.922 of 2018 pending on the file of Judge, Family Court, Malkajgiri, R.R. District is withdrawn and transferred to the file of Judge, Family Court, City Civil Court, Hyderabad. The transferee Court shall issue notices to the parties on receipt of case bundle and dispose of 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. 02.05.2018
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A.SHANKAR NARAYANA