

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE A.VENKATESHWARA REDDY

TRANSFER CIVIL MISCELLANEOUS PETITION NO: 125 OF 2022

Between:

Smt.Battu Shilpa Rani, W/o Pillamula Mahender, D/o Battu Rajaiah, -
Age. 29 Years, Occ. Household, R/o H.No.10-14-1391, Anand Nagar Colony,
Near Forest Office, Nizamabad, Nizamabad District

...PETITIONER

AND

Pillamula Mahender, S/o P.Lingam, Age. 31 years, Occ. Service,
R/o H.No.58/82, Sri Ram Nagar, Near Shivalayam, HMT Chintal, Qudbullapur
Mandal and Municipality, Medchal Malkajgiri District, Hyderabad.

...RESPONDENT

Petition Under Section 24 of the C.P.C. Praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to withdraw the F.C.O.P.No.142 of 2022 on the file of XVI Additional District Judge Cum Additional Family Court R.R.District, At Malkajgiri and transfer to the file of Family Judge Court, Nizamabad.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased stay all further proceedings of the F.C.O.P.No.142 of 2022 on the file of XVI Additional District Judge Cum Additional Family Court R.R.District, At Malkajgiri pending the present transfer petition.

This Petition coming on for hearing, upon perusing the Petition and the affidavit file in Support thereof and upon hearing the arguments of SRI N SRUSHMAN REDDY, Advocate for the Petitioner and None Appeared for the Respondent.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY
TRANSFER CIVIL MISCELLANEOUS PETITION
NO.125 OF 2022

ORDER :

Heard learned counsel for the petitioner. Perused the record along with the reports filed wherein and where under on the undelivered postal cover it is endorsed as 'left' and whereas, as per report of postal track consignment it is reported as "addressee moved". On verification of address found in the cause title in FCOP No.142 of 2022 and that is found on the returned undelivered postal cover, it is found that they are one and the same. Accordingly, it is treated as a constructive service of notice on the respondent, who called absent without representation and accordingly, he is set ex parte.

2. This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code (for short 'CPC') by the petitioner/wife against her husband/respondent herein with a prayer to withdraw FCOP No.142 of 2022, pending on the file of the XVI Additional District Judge-cum Additional Family Court, Ranga Reddy District at Malkajgiri and to transfer the same to the Court of the Judge, Family Court, Nizamabad.

3. Perused the averments of affidavit filed in support of this petition. It is mentioned in paragraph No.3 of the affidavit that the petitioner is carrying eight months' pregnancy and that she has one year old child. Even in the cause title of FCOP No.142 of 2022 her address is mentioned as Anand Nagar Colony, near Forest Office, Nizamabad. Therefore, considering the scheme of Hindu Marriage Act, precisely Section 19(iii)(a) of Hindu Marriage Act, convenience of wife and minor children, provisions of Section 24 of CPC, I find some justification in the request of the petitioner for withdrawal of FCOP, pending on the file of the XVI Additional District Judge-cum-Additional Family Court, Ranga Reddy District at Malkajgiri and to transfer the same to the Court of the Judge, Family Court, Nizamabad.

4. In the result, this Transfer Civil Miscellaneous Petition is allowed, FCOP No.142 of 2022, pending on the file of the XVI Additional District Judge-cum-Additional Family Court, Ranga Reddy District at Malkajgiri is ordered to be withdrawn and transferred to the Court of the Judge, Family Court, Nizamabad for disposal in accordance with law. Learned XVI Additional District Judge-cum-Additional Family Court, Ranga

Reddy District at Malkajgiri shall transmit entire records in FCOP No.142 of 2022, duly indexed, to the Court of the Judge, Family Court, Nizamabad, within one month from the date of receipt of copy of this order. In the circumstances of the case, there shall be no order as to the costs. As a sequel, miscellaneous petitions if any, pending in this Tr.CMP, shall stand closed.

//TRUE COPY//

SD/-M.MANJULA
DEPUTY REGISTRAR
SECTION OFFICER

- To,
1. The XVI Additional District Judge-Cum-Additional Family Court, R.R.District at Malkajgiri.
 2. The Judge Family Court Nizamabad.
 3. One CC to SRI. N SRUSHMAN REDDY, Advocate. [OPUC]
 4. Two CD Copies
 5. One Spare Copy

SB

HIGH COURT

DATED:26/07/2022

ORDER

TRCMP.No.125 of 2022



ALLOWING THE TRCMP WITHOUT COSTS

6
[Signature]
26/8/2022