IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY,THE SECOND DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

TRANS. CIVIL MISC.PETITION NO: 254 OF 2025

Between:

Bandaru Venkata Ratnakar, S/o Bandaru Venkateswarlu, Age 35 years, Occ. Private Service, R/o H.No.1-9-35/48/A/1, Venkateswara Nagar, KHAMMAM.

...Petitioner

AND

Bandaru @Chilusani Swathi, W/o Bandaru Venkata Ratnakar, D/o Chilusani Somaiah, Age 38 years, Occ. Emplopyee of Wipro ICICI Bank, R/o 5-12-118/2, Mangapuram, H.B. Colony, Near Venkateswara Swamy Temple, Moula Ali, 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 GWOP No.38 of 2025 from the file of the Judge Family Court Medchal-Malkakti District at Malkajgiri and transfer the same to the Court of Judge Family Court, Khammam District at Khammam for being tried and disposed of along with FCOP No.94 of 2025 pending on its file or to any other competent court for being tried and disposed.

IA NO: 1 OF 2025

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 to grant stay of all further proceedings in GWOP No.38 of 2025 as well as all the Interlocutory Applications pending therein, on the file of the Judge Family Court Medchal-Malkajgri District at Malkajgiri, pending finalization of the main Tr.CMP on the file of this Honourable Court.

IA NO: 2 OF 2025

Between:

Bandaru @Chilusani Swathi, W/o Bandaru Venkata Ratnakar, D/o Chilusani Somaiah, Age 38 years, Occ. Employee of Wipro ICICI Bank, R/o 5-12-118/2, Mangapuram, H.B. Colony, Near Venkateswara Swamy Temple, Moula Ali, Hyderabad.

...Petitioner/**Respondent**

AND

Bandaru Venkata Ratnakar, S/o Bandaru Venkateswarlu, Age 35 years, Occ. Private Service, R/o H.No.1-9-35/48/A/1, Venkateswara Nagar, KHAMMAM.

...Respondent/**Petitioner**

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 to vacate the interim orders passed in IA No.1 of 2025 in TRCMP No. 254 of 2025, dated 07/07/2025, pending disposal of the main TRCMP.

Counsel for the Petitioner: SRI CHAVALI RAMANAND

Counsel for the Respondent: SRI KONGALA MOHAN GOUD

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SMT. JUSTICE RENUKA YARA

TRANSFER CIVIL MISCELLANEOUS PETITION No.254 of 2025

02nd DAY OF DECEMBER, 2025

Between:
Bandaru Venkata Ratnakar.

...Petitioner

AND

Bandaru @ Chilusani Swathi.

...Respondent

ORDER:

Heard Sri Chavali Ramanand, learned counsel for the petitioner and Sri Kongala Mohan Goud, learned counsel for the respondent. Perused the entire record.

2. This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, seeking withdrawal and transfer of G.W.O.P.No.38 of 2025 pending on the file of the Judge, Family Court, Medchal-Malkajgiri District at Malkajgiri to the file of the Judge, Family Court, Khammam District at Khammam, to try along with F.C.O.P.No.94 of 2025 pending on the file of the said Court.

3. Learned counsel for the petitioner briefly stated about the background of facts leading to filing of F.C.O.P.No.94 of 2025 and the

G.W.O.P.No.38 of 2025 seeking custody of the child by the parties. The petitioner is in private service currently working from home from Khammam town. The respondent is also employee and working in Wipro ICICI Bank, Hyderabad, and is residing with her parents at Moulali, Hyderabad.

4. Learned counsel for the respondent submitted that the child of the petitioner and respondent was studying in Hyderabad and only for the purpose of filing G.W.O.P., the petitioner has taken away the child from her school and joined her in a school at Khammam. It is submitted that Khammam is at a distance of 200 kms from Moulali and transferring the G.W.O.P. to said place is likely to cause serious inconvenience to the respondent. Further, it is submitted that if G.W.O.P. is transferred from Medchal-Malkajgiri Court to the Court at Khammam, the petitioner would be initiating steps to get the remaining cases pending between the parties transferred to the Courts at Khammam.

5. In reply, learned counsel for the petitioner contended that Section 9 of the Guardians and Wards Act, 1890, contemplates filing of petition seeking custody of the child in the jurisdiction of the Court where the child resides. Learned counsel for the petitioner has given up the relief of trying the G.W.O.P.No.38 of 2025 along with F.C.O.P.No.94 of 2025.

6. This Court cannot go into the facts whether the child was deliberately taken away by the petitioner from her school at Hyderabad and got her joined at school in Khammam or the respondent is not concerned with the child. The parties are making allegations against one another to suit their purposes for the purpose of this petition. This Court can only look into the relevant provision of the Guardians and Wards Act, 1890 for adjudicating the issue of transfer. As per Section 9 of the said Act, any relief to be sought with respect to care and custody of the minor child shall be in the Court of the jurisdiction where the child is residing. The admission form at page No.40 of the material papers filed along with the present petition shows that the child is admitted into LKG in Future Kids School at Khammam. Since the evidence on record shows that the child is residing in Khammam, this Court deems fit and proper to transfer the G.W.O.P.No.38 of 2025 from the file of the Judge, Family Court, Medchal-Malkajgiri District at Malkajgiri to the file of the Judge, Family Court, Khammam District at Khammam.

7. In the result, the Tr.C.M.P. is **partly allowed** and G.W.O.P.No.38 of 2025 pending on the file of the Judge, Family Court, Medchal-Malkajgiri District at Malkajgiri, is withdrawn and transferred to the Court of the Judge, Family Court, Khammam District at Khammam. The Court

concerned is hereby directed to transmit the entire case file after duly indexing within a period of one month from the date of receipt of copy of this order. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

SD/- A.H.[illegible].GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

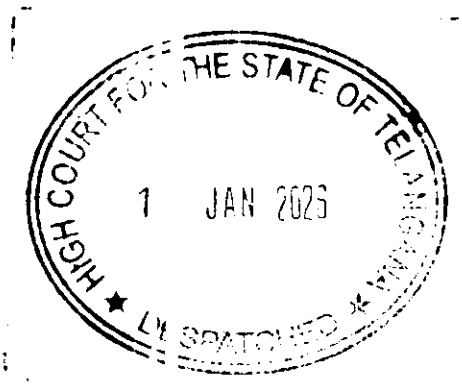
To,

1. The Judge Family Court Medchal-Malkajgiri District at Malkajgiri
2. The Judge Family Court, Khammam District at Khammam
3. One CC to SRI CHAVALI RAMANAND, Advocate [OPUC]
4. One CC to SRI KONGALA MOHAN GOUD, Advocate [OPUC]
5. Two CD Copies

NVB/PSL

HIGH COURT

DATED:02/12/2025



ORDER

TRCMP.No.254 of 2025

PARTLY ALLOWING THE TR.C.M.P

22/12/25