

THE HON'BLE SRI JUSTICE BANDARU SYAMSUNDER

TRANSFER CIVIL MISCELLANEOUS PETITION

NO.167 OF 2022

ORDER:

I have heard Mr. Sriram representing on behalf of Mr.Malireddy Gowtham, learned counsel for the petitioner. None appeared for the respondent though notice sent to him through registered post to the address shown by him in F.C.O.P.No.7 of 2021, returned with an endorsement that continuously absent. Hence, it is deemed that notice has been served to the respondent as it was addressed to the correct address.

2. This is wife's petition filed under Section 24 of Code of Civil Procedure (in short C.P.C), seeking transfer of F.C.O.P.No.7 of 2021 on the file of Family Court, Ongole to Family Court, Nellore, on the ground that now she is residing in her parents house at Nellore along with her child aged 8 years and she also filed M.C.No.2 of 2019 on the file of Family Court, Nellore, under Section 125 of Cr.P.C seeking maintenance to herself and her minor child from the respondent. The petitioner submits that the distance between Nellore to Ongole is about 140 Kilometres, she being a woman not

in a position to travel the said distance leaving her minor child at her parents house. She prays to allow the petition.

3. A perusal of records, which prima facie shows that marriage between the petitioner and respondent solemnized on 02.06.2013 in a function hall at Ongole and thereafter couple lastly resided at Hyderabad and now admittedly petitioner is residing in her parents house at Nellore along with her minor child aged 8 years. After considering the fact that the petitioner is taking care of her minor child aged 8 years having no source of income, it is a fit case to consider the request of the petitioner to transfer F.C.O.P.No.7 of 2021 from Family Court, Ongole to Family Court, Nellore.

4. In the result, Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No. 7 of 2021 on the file of Family Court, Ongole, is hereby withdrawn and transferred to Family Court, Nellore.

5. The learned Judge, Family Court, Ongole, shall transmit the case records in F.C.O.P.No.7 of 2021 to Family Court, Nellore, duly indexed, as expeditiously as possible, within a period of two (2) weeks from the date of receipt of order of this Court in the present petition.

6. Both parties shall appear before Family Court, Nellore, on 10.12.2023 at 10.30 am. No order as to costs.

Consequently, miscellaneous petitions, if any, shall stand closed. The interim stay granted if any, shall stand vacated.

JUSTICE BANDARU SYAMSUNDER

Date: 04.11.2023
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Date: 04.11.2023

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