

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
Tr.CMP No.395 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw H.M.O.P.No.8 of 2015 pending on the file of the Family Court-cum-VII Additional District Judge, Medak at Sangareddy and transfer the same to the Family Court, either at Hyderabad or Ranga Reddy district.

2 In spite of service of notice, the respondent did not choose to appear and contest the present petition. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent. Heard the learned counsel for the petitioner and perused the material available on record.

3 The marriage of the petitioner was performed with the respondent on 17.03.2012 at King Palace Function Hall, Sangareddy as per Hindu rites and caste custom. Immediately after the marriage, the respondent joined the petitioner to lead marital life. For obvious reasons disputes arose between the petitioner and the respondent. Previously, the petitioner filed O.P.No.104 of 2014 on the file of the Court of the Senior Civil Judge, Kovvur in West Godavari District for restitution of conjugal rights. The respondent filed Tr.CMP seeking transfer of O.P.No.104 of 2014 from the Court of the Senior Civil Judge, Kovvur in West Godavari District to Family Court, Sangareddy. For one reason or the other, the petitioner withdrew the O.P.No.104

of 2014 on the file of Senior Civil Judge Court, Kovvur. The respondent filed HMOP No.8 of 2015 on the file of the Family Court, Sangareddy for restitution of conjugal rights.

4 The contention of the learned counsel for the petitioner is that the petitioner may face some difficulty to attend the Family Court, Sangareddy in view of his employment. The fact remains that at present the petitioner is working as an employee in State Bank of India, Jangareddygudem branch. The respondent is an employee in judicial department in Medak District.

5 While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings, more particularly, the wife. It is not the case of the petitioner that the respondent does not belong to Medak District. The marriage was performed at Sangareddy. The Family Court at Sangareddy has jurisdiction to entertain the petition filed by the petitioner. As rightly pointed out by the learned counsel for the petitioner, the petitioner may face some difficulty to attend the Family Court at Sangareddy in view of the nature of his employment. In such circumstances, even if the presence of the petitioner before the Family Court at Sangareddy is dispensed with, no prejudice will be caused to the respondent.

6 In the result, the petition is disposed of with a direction to the Judge, Family Court, Sangareddy to dispense with the

presence of the petitioner in H.M.O.P.No.8 of 2015 pending on its file on each and every date of adjournment. However, it is made clear that the petitioner shall appear before the Family Court, Sangareddy as and when his presence is so required.

7 Consequently, miscellaneous petitions, if any, pending in this Tr.CMP, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 1st September, 2015

Kvsn