

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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Tr.CMP No.50 of 2015

ORDER::

This transfer civil miscellaneous petition is filed to withdraw and transfer OP No.321 of 2013 from the file of Family Court, Ranga Reddy District at LB Nagar, to the Court of Senior Civil Judge at Nagarkurnool, Mahabubnagar District.

2. The facts stated in brief are:-petitioner is the wife of the respondent and their marriage was performed on 29-04-2009 at Eppalpally Village, Thimajipet Mandal, Mahabubnagar District. That after the marriage, the petitioner and the respondent led a happy married life at the village of the respondent i.e. at Velgonda village, Bijinapally mandal, Mahabubnagar District and out of their deadlock, the petitioner gave birth to two minor children. That the respondent, after the marriage, started harassing the petitioner for more dowry and also not looking after his son and daughter. That under the guise of driver job, the respondent went to Hyderabad in the year 2012 and since then, the respondent completely deserted the petitioner and her two minor children and also their welfare. That the respondent did not disclose his address to the petitioner and, therefore, the petitioner was not able to claim any maintenance for herself and also for her minor children. That while the matter stood thus, the petitioner received summon in OP No.321 of 2013 issued by the Family Court, Ranga Reddy District, and then alone the petitioner came to know the address of the respondent and also the fact that he filed the said OP seeking divorce. That after receiving the summons and on coming to know the correct

address of the respondent, the petitioner filed maintenance case being MC No.4 of 2014 on the file of JFCM, Nagarkurnool, claiming maintenance for herself and also for her minor children, as the respondent has neglected to maintain them. That the petitioner being a lady and residing with her old parents is unable to travel from Nagarkurnool to the Family Court at Ranga Reddy District to attend the OP filed by the petitioner. Therefore, she filed the present petition seeking to transfer OP No.321 of 2013 from the file of Family Court, Ranga Reddy District to the competent Court at Nagarkurnool, Mahabubnagar District.

3. Heard the learned counsel for the petitioner. After issuance of notice by way of substituted service, though the respondent has engaged a counsel and vakalat is filed on behalf of the respondent, no counter is filed in the matter. None appears for the respondent.

4. It is to be seen that the maintenance case filed by the petitioner is pending on the file of the Court at Nagarkurnool and if the OP filed by the respondent is withdrawn and transferred, both can be tried together and it would be convenient for the petitioner, being a dependant lady and her two minor children to attend the Court at Nagarkurnool.

5. Section 24 CPC does not restrict the grounds on which the proceedings can be transferred from one Court to another. Convenience or hardship to the parties is one of the relevant factors, among other grounds to transfer a case. In the instant case, the petitioner has pleaded hardship to attend the Court at Ranga Reddy District as she is residing with her aged parents

at Nagarkurnool. The respondent has not chosen to file counter affidavit opposing the relief claimed by the petitioner.

6. In the circumstances, the transfer civil miscellaneous petition is allowed. OP No.321 of 2013 is withdrawn from the file of Family Court, Ranga Reddy District at LB Nagar, and transferred to the file of Senior Civil Judge's Court at Nagarkurnool, Mahabubnagar District, for disposal, in accordance with law. Miscellaneous petitions, if any pending in this case stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated:25-11-2015
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