

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.254 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.112 of 2014 from the file of the Family Court, Warangal, and transfer the same to the Family Court, Ranga Reddy District, at L.B.Nagar.

2. Heard both counsels and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 13.03.2003 at Pochampalli, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P.No.112 of 2014 on the file of the Family Court, Warangal, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house due to disputes between her and the respondent. It is not in dispute that the petitioner is a resident of Narsampet of Warangal. The petitioner belongs to Pochampalli of Nalgonda District. The petitioner herein filed I.A.No.167 of 2014 in F.C.O.P.No.112 of 2014 seeking maintenance and legal expenses. The trial Court allowed the petition on 23.03.2015 by granting maintenance of Rs.3,000/- per month to the petitioner and Rs.10,000/- towards legal expenses. The petitioner filed the transfer petition on 01.05.2015. A perusal of the record reveals that the petitioner engaged the counsel at Warangal who filed the vakalat and prosecuting the matter. The present petition is filed by the

petitioner seeking transfer of F.C.O.P. from Warangal to Ranga Reddy District. As observed earlier, the petitioner is not a native of Ranga Reddy District. This Court is unable to understand why the petitioner seeking transfer of the matter from Warangal to Ranga Reddy, which is not her native district. A perusal of the record reveals that the chief examination affidavit was filed by the respondent herein on 13.07.2015 and the matter is coming up for cross-examination of the respondent. Learned counsel for the petitioner strenuously submitted that there is no bar to transfer the matter even if the trial is commenced. The respondent filed the petition in the year 2014. For one reason or other, the petitioner filed the counter as well as I.A. This itself indicates that the petitioner herself accepted the jurisdiction of the family Court at Warangal. The petitioner is very much aware of the inconvenience likely to be caused to her at the time of filing of the counter in F.C.O.P.112 of 2014. In order to safeguard the interest of the petitioner, the family Court granted an amount of Rs.10,000/- towards legal expenses. If the matter is transferred to some other Court at this point of time, it may cause delay in progress of the trial. There is no doubt the Court has to take into consideration the inconvenience likely to be caused to the petitioner/wife, provided she approaches this Court at the earliest point of time. As observed earlier, for one reason or other, the petitioner did not approach this Court at the earliest point of time. The petitioner is not asking for transfer of the matter to her native district. Merely because the wife filed the petition for transfer that itself is not a valid ground for transfer of the matters automatically without taking into consideration the other attending circumstances.

In view of the peculiar facts and circumstances of the case, I am of the considered view, there are no grounds much less valid

grounds for transfer of this petition. Hence, the transfer CMP is dismissed. However, the respondent is hereby directed to pay an amount of Rs.1,000/- to the petitioner whenever she appears before the Family Court, Warangal. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

27.08.2015.

Rns