

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No.596 of 2015

ORDER:

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This petition is filed by the petitioner/wife to transfer O.P.No.23 of 2014 pending on the file of Judge, Family Court, Karimnagar to Family Court at Ranga Reddy District on the ground that M.C. 251 of 2014 filed under Section 125 Cr.P.C. by her is pending before Family Court, L.B.Nagar, Ranga Reddy District. It is also stated that she is residing at Malkajgiri, Ranga Reddy District along with her parents. She is unable to travel such a long distance from Ranga Reddy District to Karimnagar, which is more than 300 kilometers. A better affidavit is also filed stating that she is living with her parents and she is unable to travel long distance and that the respondent is a private employee, having sufficient income. It is further stated that out of their wedlock, they were blessed with two children.

Heard learned counsel for the petitioner and learned counsel for the respondent.

It is not disputed that the petitioner filed M.C.No.251 of 2014 under Section 125 Cr.P.C. and the same is pending at Family Court in District Court complex at L.B.Nagar. It is also not in dispute that the petitioner is residing within the jurisdiction of L.B.Nagar, Ranga Reddy District. She has two minor children. In view of judgment of Apex Court in **Sumita Singh vs Kumar Sanjay And Another**^[1] in matrimonial matters, convenience of wife must be looked into, the OP No. 23 of 2014 pending on the file of Family Court, Karimnagar is transferred to Family Court, L.B.Nagar at Ranga Reddy District.

However, the learned counsel for the respondent states that since the respondent is a private employee, his presence would not be insisted for every date of hearing.

Accordingly, the Transfer CMP is allowed. The learned Judge at Family Court, L.B.Nagar shall not insist the presence of respondent on each and every date of hearing except during the course of conciliation and for cross-examination.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

23-11-2015
Nvl

[\[1\]](#) AIR 2002 SC 396