

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.525 of 2016

ORDER :

This petition under Section 24 of the Code of Civil Procedure, 1908, is filed by the wife seeking to withdraw F.C.O.P. No.1199 of 2016 on the file of Family Court-cum-XV Additional District Judge at L.B.Nagar, Ranga Reddy District, and transfer the same to the Court of the learned Senior Civil Judge, Narsapur, West Godavari District, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of the learned counsel for petitioner and perused the material record. Notice sent to the respondent-husband was returned unclaimed; therefore, there is deemed service. None appears for the respondent-husband.

The case of the petitioner is that she is a housewife and that she is having custody of a child of about 6 years of age and is living with her parents at Palakol and that she has no financial capacity and also no assistance to accompany her at the time of travel from her place to the Court at Ranga Reddy, and that in the circumstances she is placed, she is unable to undertake travel from her place of residence at Palakol of West Godavari District to the Court at Ranga Reddy District where the case filed by the respondent is pending.

As per the settled legal position and preponderance of authority, the convenience of wife shall prevail unless there are special circumstances to take a different view. In view of the submissions of learned counsel for

petitioner and in the absence of special circumstances shown to the Court by the husband by entering appearance, this Court is satisfied that sufficient case is made out by the wife for granting relief as prayed for.

In the result, the Tr.C.M.P is allowed and F.C.O.P. No.1199 of 2016 is withdrawn from the file of Family Court-cum-XV Additional District Court at L.B.Nagar, Ranga Reddy District, and is transferred to the Court of the learned Senior Civil Judge, Narsapur, West Godavari District, for trial and disposal in strict accordance with the procedure established by law. No costs.

Pending miscellaneous applications, if any, shall stand closed.

M. SEETHARAMA MURTI, J

3rd November 2016

ajr

