

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.690 of 2016

ORDER :

This is a wife's application under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw O.P.No.28 of 2016 on the file of the Court of the learned Senior Civil Judge, Peddapally, Karimnagar District, and transfer the same to the Family Court, City Civil Court, Hyderabad, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of the learned counsel for petitioner, Sri K.Venkateswerllu. The respondent remained *ex parte*.

I have perused the material record.

The case of the petitioner/wife, in brief, is as follows: "After estrangement between the spouses, she is living along with her parents at Saidabad, Hyderabad. She is eking out her livelihood by doing tailoring work. On account of her poor financial condition and incapacity to undertake travel all alone, she is not in a position to attend the Court at Karimnagar, which is at a distance of more than 250 kilometres from her place of residence. The respondent is a private employee at Karimnagar and is financially sound. She apprehends threat to her life at the hands of respondent at Karimnagar. In the circumstances she is placed, she is constrained to file the present petition seeking transfer of the O.P. filed by the respondent from the Court of the learned Senior Civil Judge, Peddapally, Karimnagar District, to the Family Court, City Civil Court, Hyderabad. As the respondent is financially sound and as he has no responsibilities and the

difficulties as those being faced by the wife, it is not difficult for him to travel from his place in Godavarikhani of Karimnagar District and attend the Family Court, City Civil Court, Hyderabad, in case his case is transferred as prayed for in the petition of the wife.”

The husband has not entered appearance and is not resisting the application.

It is well settled legal position that wife’s convenience shall be preferred and shall prevail in the absence of any special circumstances warranting to take a different view. In view of the submissions of learned counsel for petitioner and in the absence of any 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In the result, the Tr.C.M.P. is allowed and O.P. No.28 of 2016 is withdrawn from the file of the Court of the learned Senior Civil Judge, Peddapally of Karimnagar District, and is transferred to the Family Court, City Civil Court, Hyderabad, for trial and disposal in accordance with the procedure established by law.

Pending miscellaneous applications, if any, shall stand closed.

M. SEETHARAMA MURTI, J

18th November 2016

ajr