

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.626 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.1477 of 2016 on the file of Family Court-cum-IV Additional District Court, L.B.Nagar, Ranga Reddy District, and transfer the same to the Court of the learned Senior Civil Judge at Bhimavaram of West Godavari District, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of Sri S. Sriramachandra Murthy, learned counsel for petitioner/wife and Sri N.Ravi Prasad, learned counsel for respondent/husband. No counter is filed by the respondent. I have perused the material record.

Shorn of unnecessary details, the case of the wife, which is relevant for consideration, in brief, is as follows: "After separation between the parties, she is living at Bhimavaram; she is unemployed; she has no income or sources of income; she is depending entirely on her parents; she feels insecure as the respondent has given a life threat to her earlier by saying that he would eliminate her; due to her financial weakness and incapacity to undertake travel all alone and in the circumstances she is placed, she is not in a position to attend the Court case pending on the file of the Court at Ranga Reddy; hence, she is constrained to file the present transfer petition.

The learned counsel for respondent, while orally resisting the application, stated that the Court at Ranga Reddy District is having jurisdiction and that the allegations in the wife's petition are false.

I have bestowed my attention to the facts and submissions.

As per the settled legal position and preponderance of authority, the convenience of wife shall prevail and shall be preferred unless there are special circumstances to take a different view. The respondent/husband, having not filed a counter has not shown any special circumstances to take a different view. In the Indian context an earning male person is certainly better placed as he can under take travel all alone safely at all times (day or night) when compared to a non-earning female or a house wife. If necessary, he can spend a night at a place where he has no relatives or friends to stay with. The same cannot equally be said of a house wife. Having regard to the submissions of the wife, this Court is satisfied that sufficient case is made out for granting the relief as prayed for in her petition.

On the above analysis, this Court is of the considered view that the convenience of the wife outweighs the inconvenience, if any, of the husband and shall prevail.

Accordingly, the Tr.C.M.P. is allowed and O.P. No.1477 of 2016 is withdrawn from the file of the Family Court-cum-IV Additional District Court, Ranga Reddy at L.B.Nagar, and is transferred to the Court of the learned Senior Civil Judge, Bhimavaram of West Godavari District, for trial and disposal in accordance with the procedure established by law. No costs.

Pending miscellaneous applications, if any, shall stand closed.

M. SEETHARAMA MURTI, J

1st December 2016

ajr

