

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.517 of 2015

ORDER:

This petition is filed to withdraw H.M.O.P.No.67 of 2015 from the file of Principal Senior Civil Judge, Gudivada, Krishna District and transfer the same to Family Court, City Civil Courts, Hyderabad.

2. Wife filed this petition contending that she married respondent knowing fully well that respondent was a divorcee and had a boy out of his earlier wedlock and that their marriage was solemnized at Vijayawada on 04.06.1994 and she narrated various incidents of harassment and stated that due to disputes she is now residing with her parents at Nallakunta in Hyderabad and respondent intentionally filed HMOP No.67 of 2015 before Principal Senior Civil Judge, Gudivada and that she had no money and courage to contest O.P. at Gudivada and that respondent is financially sound and highly influential. She stated that due to reasons explained in the affidavit, HMOP No.67 of 2015 is to be transferred from Principal Senior Civil Judge, Gudivada to Family Court, Hyderabad.

3. Respondent filed counter-affidavit disputing the affidavit averments of petitioner mainly contended that this petition is not maintainable for want of jurisdiction as O.P. is now pending in the State of Andhra Pradesh and petitioner is seeking transfer of O.P to the State of Telangana, therefore petitioner has to approach the Hon'ble Supreme Court under Section 25 of CPC. Besides that objection, respondent disputed all the affidavit averments touching the harassment attributed against respondent.

4. Heard both sides.

5. Both sides submitted that this Court has considered the objection with regard to jurisdiction in Tr.C.M.P.No.525 of 2014 and decided that this Court has power and jurisdiction over territories of both States by virtue of Section 30 of A.P. Re-organization Act and under Article 227 of Constitution of India and negatived the objection with regard to jurisdiction. As the objection with regard to jurisdiction is covered by order of this Court in Tr.C.M.P.No.525 of 2014, objection of respondent with regard to jurisdiction is no more tenable.

6. Coming to the facts of this case, allegations and counter allegations against each other is a matter to be decided in the main O.P. Now this Court has to consider whether request of wife for transfer on the ground of convenience can be considered.

7. Advocate for petitioner referred to judgment of Supreme Court in ***T.Gayatri Devi vs Tallepaneni Sreekanth***^[1] and submitted that convenience of wife is paramount consideration therefore petitioner is entitled for the relief claimed.

8. Considering the submission of advocate for petitioner and also considering the convenience of wife, H.M.O.P.No.67 of 2015 is withdrawn from the file of Principal Senior Civil Judge, Gudivada, Krishna District and transferred to Family Court, City Civil Courts, Hyderabad for disposal in accordance with law.

9. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 28-03-2016

gvl

[\[1\]](#) Civil Appeal No.6721 of 2013