

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.769 of 2015

ORDER:

This is a wife's application under Section 24 of the Code of Civil procedure requesting to withdraw F.C.O.P.No.1287 of 2011 on the file of the Family Court, at L.B.Nagar, Ranga Reddy District, and transfer the same to the file of Family Court, Nizamabad, for trial and disposal in accordance with the procedure established by law.

2. I have heard the submissions of *Sri Ch.Srinivasa Reddy*, learned counsel for the petitioner-wife and *Sri D.Purnachandra Reddy*, learned counsel for the respondent-husband. I have perused the material record.

3. The case of the wife, which is relevant for consideration, in brief, is as follows: "Her parents performed her marriage with the respondent on 02.06.2010 at Hotel Parivar, Secunderabad. At the time of marriage, her father gave Rs.10,00,000/- as dowry and 45 tolas of gold ornaments and other household articles worth of Rs.2,00,000/-. After six months, the respondent and his family members demanded the petitioner to bring from her parents Rs.10,00,000/- additional dowry. When her parents expressed their inability to meet the said demand, the respondent and his family members started ill treating the petitioner both physically and mentally. They abused and beat her and finally drove her out of the house on 06.11.2011. Therefore, she was forced to come away to her parents house and lodge a report with Navipet Police Station. She is presently residing with her parents at L.K.Farm of Navipet Mandal, Nizamabad District. The petitioner also filed M.C.No.6 of 2012 in the Court of the learned Additional Judicial Magistrate of First Class, Nizamabad, for grant of maintenance and also DVC No.5 of 2012 before the Court of Judicial Magistrate of First Class, Nizamabad. The respondent is attending to all the above said three cases. The respondent proclaimed earlier

that he would kill the petitioner in case she attends the Court case at Ranga Reddy. She has no male assistance. In the circumstances stated, it is inconvenient for her to travel from her place at Nizamabad District to Ranga Reddy.

4. Though no counter is filed, the learned counsel for the respondent/husband orally resisted the petition stating that the allegations in the wife's petition are false and that she can take the assistance of her parents for attending the Court case at Ranga Reddy and that simply because the husband is attending the Court cases at Nizamabad, the case filed by him need not be transferred to a Court at Nizamabad from the Family Court, Ranga Reddy.

5. Now the point for consideration is –

Whether the petitioner-wife made out valid and sufficient grounds for withdrawal of F.C.O.P. No.1287 of 2011 from the file of Family Court, at L.B.Nagar, Ranga Reddy District, and to transfer the same to the file of Family Court, Nizamabad?

6. POINT:

6.1 The wife's case is already stated *supra*, in detail.

6.2 The wife pleads financial weakness, lack of male assistance and incapacity to undertake travel from her place in Nizamabad District to Ranga Reddy as the main grounds for transfer of the husband's OP from the Court at Ranga Reddy to the Family Court, Nizamabad. She has already filed a maintenance case in a Court of learned Magistrate at Nizamabad. In the Indian context an earning male person is certainly better placed as he can undertake 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. The husband by filing a counter did not make an offer to bear the litigation, travel and incidental expenses of his wife and a companion,

who may accompany her to Guntur. He is already attending to the cases that are filed by the wife in the Courts at Nizamabad.

6.3 In the light of the aforesaid facts and in the totality of the circumstances of the case, it is obvious that the inconvenience caused to the wife to travel to Ranga Reddy to attend to the case filed by the husband would outweigh the inconvenience, if any, that may be caused to the husband.

7. In the result, the Tr.C.M.P No.769 of 2015 is allowed and F.C.O.P. No.1287 of 2011 is withdrawn from the file of Family Court, at L.B.Nagar, Ranga Reddy District, and is transferred to the file of the Family Court, Nizamabad, for trial and disposal in accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

M. SEETHARAMA MURTI, J

17th November, 2016
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