

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.656 of 2016

ORDER :

This is a wife's application under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw H.M.O.P.No.31 of 2016 on the file of Family Court, Mahabubnagar, and transfer the same to the Court of the learned Senior Civil Judge, Vikarabad, Ranga Reddy District, 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.Laxmi Manohar. The respondent refused to receive the notice sent and remained exparte.

I have perused the material record.

The case of the petitioner/wife, in brief, is as follows: "After estrangement between the spouses, she is staying at Vikarabad along with her parents. She is a house wife. She has no source of income. The respondent is not paying any maintenance to her; she is suffering with spinal tuberculosis and is not in a position to stand or walk for long hours. She filed a certificate issued by a Doctor. In the circumstances she is placed, she is constrained to file the present petition seeking transfer of the H.M.O.P., filed by the respondent from the Family Court, Mahabubnagar, to the Court of the learned Senior Civil Judge, Vikarabad, Ranga Reddy District. 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 Mahabubnagar and attend the Senior Civil Court,

Vikarabad, Ranga Reddy District, 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 her petition.

In the result, the Tr.C.M.P. is allowed and H.M.O.P. No.31 of 2016 is withdrawn from the file of Family Court, Mahabubnagar, and is transferred to the Court of the learned Senior Civil Judge, Vikarabad of Ranga Reddy District, for trial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