

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.677 of 2016

ORDER:

This is a wife's application under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw F.C.O.P. No.101 of 2016 on the file of the Family Court-cum-Additional District Court, Khammam, and transfer the same to the Family Court, Ranga Reddy District, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of Sri S.R.Sanku, learned counsel for petitioner/wife and Sri Y.Pulla Rao, learned counsel for respondent/husband and perused the material record.

Shorn of unnecessary details, the case of the petitioner/wife is this: "She is aged 25 years; she is working as Testing Engineer in Infosys, a Software Company at Hyderabad; after estrangement, the respondent filed the aforesaid F.C.O.P. in the Family Court at Khammam for dissolution of marriage and granting a decree of divorce; the respondent/husband is a resident of Bangalore and he is also working as a Software Engineer at Bangalore; neither of the parties are staying at Khammam where the present case filed by the husband is pending; it would be convenient to both the parties if the F.C.O.P. is transferred from the Court at Khammam to the Family Court, Ranga Reddy District, as the said place is well connected to Bangalore by road and rail."

Per contra, the case of the respondent/husband is this: "The wife is educated and employed; she can undertake travel from Hyderabad to

Khammam; Khammam is convenient to both the parties as the parents of both the parties are staying there.

I have bestowed my attention to the facts and submissions. As rightly pointed out by the learned counsel for petitioner/wife, neither of the parties is residing at Khammam and for the sole reason that the parents of the parties are residing at Khammam, the contention in the counter of the husband cannot be sustained. Since he is a resident of Bangalore and is working there and as he has to cross Ranga Reddy District while undertaking travel to Khammam where the present case filed by him is pending and as the wife is presently working at Hyderabad, which is adjacent to Ranga Reddy District, this Court is of the considered view that that the objections raised by the respondent/husband are untenable and that the wife's request in the instant petition for transfer of F.C.O.P. merits consideration.

Accordingly, the Tr.C.M.P. is allowed and F.C.O.P. No.101 of 2016 is withdrawn from the file of the Family Court-cum-Additional District Court, Khammam, and is transferred to the Family Court, Ranga Reddy District, for trial and disposal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