

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer Civil Miscellaneous Petition No.611/2016

ORDER:

This is a wife's petition under Section 24 of the Code of Civil Procedure, 1908, requesting to transfer OP.No.880 of 2016 on the file of the Family Court, Hyderabad, to the file of the Senior Civil Judge's Court, Kovvuru of West Godavari District, for trial and disposal in accordance with the procedure established by law.

2. I have heard Sri S. Siva Bhami Reddy, learned counsel for the petitioner-wife, and Sri S. Subba Reddy, learned counsel for the respondent-husband. I have perused the material record.

3. The case of the petitioner-wife and the submissions made on her behalf reflect that after estrangement between the spouses, she is residing with her parents at Chandravaram Village of West Godavari District and that the husband filed the aforementioned OP in the Family Court at Hyderabad and that it is inconvenient for her to undertake travel to that Court at a distance of 450 Kilometres from the place of her residence and that there is no male assistance and that she is also financially weak to meet the travel and stay expenses at Hyderabad and that therefore she is constrained to file the present petition.

4. Though no counter is filed, the learned counsel for the respondent-husband while orally resisting the petition would submit that the petition has no merits and that in any view of the matter if this Court comes to the conclusion that the husband's case is to be transferred, it may be transferred to a Court located at Tadepalligudem, as that place would be ideal and convenient to both the parties.

5. In reply, the learned counsel for the petitioner would submit that the request of the wife or alternatively the request of the husband as made before this Court be considered.

6. Having given earnest consideration and keeping in view the submissions of both the sides and to balance the interest of both the parties, this Court is of the considered view that the ends of justice would be met if the husband's case is transferred to a Court at Tadepalligudem instead of to a Court at Kovvuru of West Godavari District.

7. Accordingly, the petition is allowed in part and OP.No.880 of 2016 on the file of the Family Court, Hyderabad, is withdrawn from the file of the said Court and is transferred to the file of the Senior Civil Judge's Court at Tadepalligudem, for trial and disposal in accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions pending if any in this TRCMP shall stand closed.



M. SEETHARAMA MURTI, J

27.10.2016
Vjl