

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.366 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.143 of 2016 on the file of Family Court-cum-III Additional District Court, Warangal, and transfer the same to the Family Court, Hyderabad, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of the learned counsel for petitioner, Sri Ravulapati Sreenivasa Rao, and perused the material record. Though the respondent is served with notice, he has not appeared and there is no representation for him.

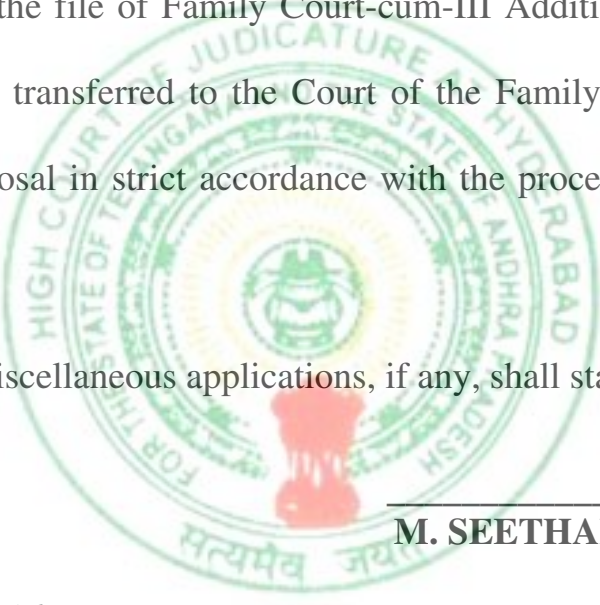
The case of the petitioner-wife is that after estrangement between the spouses, she is presently residing along with her parents at Sanathnagar, Ciberabad; she is having custody of a boy aged about 6 years; she is a private employee; due to her incapacity and inability to undertake travel along with the young son from Hyderabad to Warangal, she is constrained to file the present application seeking transfer of the husband's case from the Family Court, Warangal to the Family Court, Hyderabad. As the respondent is financially sound and as he has no other responsibilities as those being faced by the wife, it is not difficult for him to travel from his place in Warangal to Hyderabad and attend the Court at Hyderabad, in case his case is transferred as prayed for in the petition of the wife.

The husband is not resisting the petition by entering appearance.

As per the settled legal position and preponderance of authority, the convenience of wife shall prevail unless there are special circumstances warranting taking a different view. Further, as the husband is not resisting the application. Having regard to the facts and submissions of the wife, 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In the result, the Tr.C.M.P is allowed and F.C.O.P. No.143 of 2016 is withdrawn from the file of Family Court-cum-III Additional District Court, Warangal, and is transferred to the Court of the Family Court, Hyderabad, for trial and disposal in strict accordance with the procedure established by law.

Pending miscellaneous applications, if any, shall stand closed.



M. SEETHARAMA MURTI, J

17th November 2016

ajr