

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.578 of 2016

ORDER:

This is a wife's application under Section 24 of the Code of Civil procedure, 1908, requesting to withdraw O.P.No.1140 of 2015 on the file of the V Additional District Court, Warangal District at Jangaon, and transfer the same to the Family Court, Ranga Reddy District at L.B. Nagar, for trial and disposal in accordance with the procedure established by law.

2. Heard the submissions of Sri M. V. Venu, learned counsel representing Sri Kowturu Vinaya Kumar, learned counsel for the petitioner-wife. Though notice is served, none appears for the respondent. I have perused the material record.

3. Considering the submissions in regard to the wife's incapacity, inconvenience, apprehension of threat to her safety and financial weakness to undertake travel from Dubbacherala of Maheswaram Mandal of Ranga Reddy District to Warangal to attend the Court at Warangal where OP.No.1140 of 2015 filed by the husband is pending, and the further fact that she is having an young child, this Court is satisfied that sufficient case is made out by the wife for granting the relief. The convenience of the wife must be looked into and considered in a case of this nature in view of the ratios in the decisions in **Sangeeta @ Shreya V/s Prasant Vijay Wargiya**¹ and **Lalita V/s Kulwinder Kumar**². In the decision in **Rajani Kishor Pardeshi V/s Kishor Babulal Pardeshi**³ despite an offer made by the husband to pay the expenses for his wife's travel to Mumbai, the Supreme Court held that the convenience of the wife is to be preferred over the convenience of the husband and allowed the wife's petition.

¹ 2004 (13) SCC 407

² (2007) 15 SCC 667

³ (2005) 12 SCC 237

In **Sumita Singh V/s Kumar Sanjay and Another**⁴ though the unemployed husband stated that the wife is an educated woman and that she is doing very well and that she can travel to Ara, the Supreme Court held that the suit is of the husband against the wife and that it is the wife's convenience that must be looked at. As per the preponderance of precedential authority and the circumstances indicated, the wife's convenience is to be preferred and shall prevail.

4. In the result, the Tr.C.M.P is allowed and O.P.No.1140 of 2015 is withdrawn from the file of the V Additional District Court, Warangal District at Jangaon, and is transferred to the file of the Family Court, Ranga Reddy District at L.B. Nagar, 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.

20th October, 2016
Vjl

M. SEETHARAMA MURTI, J

⁴ (2010) 10 SCC 41