

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.591 of 2016

ORDER :

This is wife's application under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw F.C.O.P. No.36 of 2016 on the file of Family Court-cum-III Additional District Court, Warangal, and transfer the same to the Court of learned XV Additional District Judge, Ranga Reddy District, at Miyapur, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of the learned counsel for petitioner, Ms.S.Annapurna, and perused the material record. The notice sent to the respondent was returned with a postal endorsement on the cover that 'addressee left without instructions'. Therefore, there is deemed service and service is held sufficient. Despite such service, the respondent does not appear and there is no representation for him.

The case of the petitioner-wife is that she is presently living in Chandanagar of Hyderabad with her old aged parents and that she has no financial capacity and that on account of her financial weakness and incapacity to undertake travel all along from Hyderabad to Warangal, she is constrained to file the present miscellaneous petition seeking transfer of the case filed by the husband from the Court at Warangal to the Court at Miyapur of Ranga Reddy District.

Learned counsel for petitioner while reiterating the case of the petitioner would submit that this matter pertains to the territorial jurisdiction

of the XV Additional District Judge at Miyapur of Ranga Reddy District, and therefore, transfer of the husband's case is sought to that Court.

As per the settled legal position and preponderance of authority, the convenience of wife shall prevail unless there are special circumstances 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In the result, the Tr.C.M.P is allowed and F.C.O.P. No.36 of 2016 is withdrawn from the file of Family Court-cum-III Additional District Court, Warangal, and is transferred to the Court of the learned XV Additional District Judge, Ranga Reddy District at Miyapur, for trial and disposal in strict accordance with the procedure established by law. No costs.

Pending miscellaneous applications, if any, shall stand closed.

M. SEETHARAMA MURTI, J

3rd November 2016

ajr