

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer C.M.P.No.548 of 2017

ORDER:

This is a wife's application, under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw H.M.O.P.111 of 2017 filed by the respondent/ husband against her on the file of the Principal Senior Court, Tenali, and transfer the same to the XV Additional District Court-cum-Additional Family Court, Kukatpally, at Miyapur, for trial and disposal in accordance with the procedure established by law.

2. I have heard the submissions of *Sri B.Soma Sehkar*, learned counsel appearing for the petitioner. The notice sent to the respondent was returned with an endorsement 'insufficient address'. However, notice is served on the counsel for respondent; and, proof of service is filed. The respondent has not entered appearance. I have perused the material record.

3. Sans un-necessary details, the case of the petitioner is this: 'After disputes and separation, the wife is living with her parents at K.P.H.B.Colony, Hyderabad. She is working as Junior Relationship Executive in Muthoot Finance, K.P.H.B Branch, at Kukatpally. It is difficult for her to undertake travel on the date of each and every adjournment of the OP filed by the husband and attend before the Court at Khammam. In view of the said facts, she is not in a position to undertake travel on the date of each and every adjournment and attend before the Court at Khammam.'

4. At the hearing, learned counsel for the petitioner while reiterating the pleaded case of the petitioner submitted as follows: - 'The father of the respondent is working as Assistant Sub Inspector of Police, Tenali,

and is threatening the petitioner and her family members and is demanding the petitioner to give divorce to his son. The respondent is working as Senior Test Engineer in Prolifics Corporation Limited, Kondapur, Hyderabad, and is residing at Gachibowli, Hyderabad. The pay slip of the respondent, which is filed along with the material papers, reflects that he is working as Senior Test Engineer. He is continuing in the same job under the same employer. The petitioner is working as Junior Relationship Executive, Muthoot Finance, K.P.H.B. Branch, at Kukatpally. Hence, it is just and fair to grant the relief.'

5. As already noted the respondent has not entered appearance and is not resisting the petition.

6. As per the settled legal position and preponderance of authority, the convenience of wife shall prevail and shall be preferred unless there are special circumstances warranting taking a different view. Both the parties are living and working at Hyderabad as per the submissions made before this Court. Having regard to the facts and the circumstances and as there are no special circumstances warranting taking a different view, this Court is satisfied that sufficient case is made out for granting the relief as prayed for in her petition.

7. In the result, the petition is allowed and HMOP.No.111 of 2017 on the file of the Court of the learned Principal Senior Civil Judge, Tenali, Guntur District, is withdrawn from the file of the said Court and is transferred to the file of XV Additional District Court-cum-Additional Family Court, Kukatpally at Miyapur, for trial and disposal in accordance with the procedure established by law. The transferor Court shall, without delay, transmit the duly indexed record to the transferee Court.

There shall be no order as to costs.

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

M. SEETHARAMA MURTI, J

06.10.2017
RAR

