

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer C.M.P.No.257 of 2017

ORDER:

This Transfer CMP, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/wife requesting to withdraw FCOP.No.13 of 2017 from the file of the Family Court-cum-Additional District Court, Khammam, and transfer the same to the file of the Family Court, Hyderabad, for trial and disposal in accordance with the procedure established by law.

2. I have heard the submissions of *Sri V. Roopesh Kumar Reddy*, learned counsel appearing for the petitioner-wife, and of *Sri Ch. Dhanamjaya*, learned counsel for the respondent-husband. I have perused the material record.

3. Shorn of un-necessary details, the case of the petitioner-wife, which is relevant for consideration, in brief, is as follows: - 'The husband filed the afore-stated OP in the Family Court, Khammam, seeking dissolution of marriage between the parties by a decree of divorce. This petitioner is resisting the said petition, *inter alia*, contending that the allegations in the said OP are false and baseless. She is a Doctor and is working at Sarojini Devi Eye Hospital, Mehadipatnam, Hyderabad. She is doing rural services. The husband is also a Doctor. He is presently working as a Radiologist in Care Hospitals, Banjara Hills. He intentionally filed the afore-stated OP in the Court at Khammam. It is difficult for this petitioner to attend the Court at Khammam. There is also a threat to her from the family members of the respondent. Since both the parties are living and working at Hyderabad, it would be just and convenient for both the parties to appear before a Court at Hyderabad. Hence, the present petition is filed for the transfer of the OP filed by the husband in the Court at Khammam to a Family Court at Hyderabad.'

4. The respondent/ husband filed a counter. Shorn of un-necessary details, his submission is that it is true that this respondent is working as a Radiologist in care Hospital, Banjara Hills, Hyderabad; however, it is not true to say that the OP is intentionally filed in a Court at Khammam to harass the petitioner.

5. I have given earnest consideration to the facts and submissions. Having regard to the admitted fact that both the parties are Doctors and are living and working at Hyderabad this Court finds that it would not only be convenient to both the parties but it would also be just and fair to grant the relief to the petitioner/ wife.

6. In the result, the petition is allowed and the FCOP.No.13 of 2017 on the file of the Family Court-cum-Additional District Court, Khammam, is withdrawn from the file of the said Court and is transferred to the file of the Family Court, Hyderabad, for trial and disposal in accordance with the procedure established by law. The transferor Court is directed to transmit, without delay, the entire duly indexed record of the case 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

01.11.2017
Vjl