

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

TRCMP.No.535 of 2016

ORDER:

This is a petition by the petitioner/ wife, under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw FCOP.No.985 of 2016 from the file of the Family Court, L.B. Nagar, Ranga Reddy District, and transfer the same to the file of the Family Court, Nizamabad.

2. The case of the petitioner/ wife is as follows: - 'The respondent-husband had filed FCOP.No.985 of 2016 on the file of the Family Court, L.B. Nagar, Ranga Reddy District, seeking divorce. The learned Judge, Family Court ordered the petitioner herein to appear before that Court, on 09.08.2016. However, the petitioner filed MC.No.7 of 2016 and also Domestic Violence Case on the file of the Court of the learned II Additional Judicial Magistrate of First Class, Nizamabad. She also lodged complaint before Mahila Police Station, Nizamabad, and the same is pending for enquiry. The petitioner has no sources of income or income to attend each and every adjournment in the FCOP filed by the respondent and pending in the Family Court at Ranga Reddy District. Her parents have no income. Further she also apprehends threat to her life from the respondent in case she makes a visit to Hyderabad to appear in the above said FCOP pending before the above said Court. She has to face lot of inconvenience in undertaking the journey from Nizamabad to Ranga Reddy District; and it is difficult for her to find somebody to escort her to Ranga Reddy District on the date of each and every adjournment of the above said FCOP on the file of the Family Court at L.B. Nagar, Ranga Reddy District. In these circumstances, she is constrained to file the present petition requesting to withdraw the above said original petition on the file of the Family Court, L.B. Nagar, Ranga Reddy, and transfer the same to the file of the Family Court, Nizamabad.'

3. The respondent had not entered appearance though he is served with notice. Thus, the respondent is not resisting the petition filed by the petitioner.

4. Submissions of the learned counsel for the petitioner were heard.

5. Having regard to the relevant facts, which are stated in the petition of the petitioner/wife, which are stated supra, and in the absence of any resistance from the respondent for granting the relief to the petitioner, this Court finds that the petitioner made out valid and sufficient grounds for granting the relief. As rightly submitted, bringing the cases filed by both the parties to the files of the Courts at the same place helps in saving the time and money of both the parties. Further, as rightly stated, the husband has not offered to meet the travelling and incidental expenses of the wife and another person who may accompany her to the Court at Ranga Reddy District on the date of every adjournment of the FCOP filed by the husband, which is pending on the file of the Family Court at L.B. Nagar, Ranga Reddy District. The wife submits that she is not in a position to travel alone from Nizamabad to Ranga Reddy District and/ or meet the travelling and incidental expenses for attending the case pending in the Court at Ranga Reddy District. Further, the respondent is required to attend the pending cases in the Court at Nizamabad; and hence, if his case is transferred from the Court at Ranga Reddy to a Court at Nizamabad, he would not be put to any inconvenience or suffer any prejudice. In view of the facts and circumstances of the case and the submission of the learned counsel, it is just and fair to grant the relief. Granting the relief to the petitioner, therefore, sub serves the ends of Justice.

6. In the result, the petition is allowed and the FCOP.No.985 of 2016 on the file of the Family Court, L.B. Nagar, Ranga Reddy District, is withdrawn from the file of the said Court and is transferred to the file of the Family Court, Nizamabad, 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.

JUSTICE M. SEETHARAMA MURTI

18.08.2017
Vjl

