

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**Tr.C.M.P.Nos.5 and 15 OF 2018**

**ORDER:**

These petitions are filed under Section 24 Code of Civil Procedure (for short "C.P.C.") to withdraw E.P.No.89 of 2017 and E.P.No.122 of 2016 in O.P.No.64 of 2004 pending on the file of the Principal Senior Civil Judge, Warangal and transfer the same to the Judge, Family Court, Ranga Reddy District at L.B.Nagar.

Both the petitions are filed on identical grounds mainly contending that the petitioner is staying within the jurisdictional limits of Ranga Reddy District and the respondent is working at Nizamabad, whereas the proceedings are pending at Warangal, and it is difficult for her to appear before the Court at Warangal in connection with the above matter covering distance of 100 kms. It is further contended that the petitioner is not receiving any maintenance from the respondent and unable to meet the travelling and other incidental expenses.

Respondent filed counter denying material allegations besides raising specific grounds, in paragraph No.16 that he already spent huge amount for defending E.Ps. at Warangal and transfer of these matters would cause not only inconvenience to him in terms of engaging new advocates but also involve further spending for litigation expenses in Hyderabad and with the transfer of E.Ps. the respondent would be required to visit Hyderabad while he would be required to visit Warangal for his mother who is now 90 years old, therefore, his expenses for travelling to Warangal and Hyderabad would be increasing if E.Ps are transferred to Hyderabad.

Sri J.Prabhakar, learned counsel for the petitioner, reiterated the allegations made in the petition while Sri B.Sree Rama Krishna,

learned counsel for the respondent contended that the respondent has to engage advocate at Hyderabad by incurring expenses and it would increase his financial burden, sought to pass appropriate order.

Pendency of execution petitions before the Senior Civil Judge at Warangal is not in dispute and those execution petitions filed for recovery of permanent alimony by the petitioner as she did not possess any independent source of income to meet her livelihood and she is admittedly residing within the jurisdictional limits of Ranga Reddy District, but at the same time respondent contended in paragraph No.17 of his counter, as follows:

“Even then if this Hon’ble Court comes to conclusion in favour of transferring these EPs to Hyderabad, I most respectfully request this Hon’ble Court to transfer these EPs to Hon’ble Family Court or Additional Family Court at City Civil Courts, Hyderabad, instead of Hon’ble Family Court at L.B.Nagar, Ranga Reddy District, Hyderabad, as it would be comparatively less expensive in engaging the services of advocates here as we have certain other matters such as C.C.No.1159 of 2016 and 2 Reviews petitions in CMA No.1056 of 2006, CrI.P.No.380 of 2018, etc. pending adjudication before this Hon’ble High Court and accordingly I can have common advocates who agreed to pursue these EPs.”

As the petitioner has no means to maintain herself and filed petition for permanent alimony, it is difficult for her to undertake journey by incurring huge expenditure for travelling and stay etc. Therefore, taking into consideration the convenience of both parties, I find that it is a fit case to withdraw E.P.Nos.89 of 2017 and 122 of 2016 in O.P.No.64 of 2004 from the Court of Principal Senior Civil Judge, Warangal and transfer the same to the Judge, Additional Family Court, City Civil Courts, Hyderabad.

Accordingly, E.P.Nos.89 of 2017 and 122 of 2016 in O.P.No.64 of 2004 pending on the file of Principal Senior Civil Judge, Warangal are withdrawn and transferred to the Judge, Additional Family Court,

City Civil Courts, Hyderabad, for disposal in accordance with law strictly adhering to the timeframe under the Family Courts Act.

With the above direction, the Tr.C.M.P. is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

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**JUSTICE M. SATYANARAYANA MURTHY**

16.03.2018

Note:

Issue C.C. by 19.03.2018.

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