

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER C.M.P. No.540 OF 2015

ORDER:

The present Transfer C.M.P. is filed by the petitioner - wife under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw F.C.O.P. No.218 of 2015 from the file of Judge, Family Court, Guntur and transfer the same to the file of the Judge, Family Court, Warangal or any other competent Court in Warangal.

2. The aforesaid FCOP is filed by the respondent – husband for restitution of conjugal rights.

3. Heard Sri N.V. Anantha Krishna, learned counsel for the petitioner, and Sri P. Vikram, learned counsel for the respondent.

4. The learned counsel for the petitioner would submit that the respondent is not paying any maintenance amount to the petitioner - wife since July, 2015 and she has no source of income and her parents are old aged and not in a position to take care of her and it has become difficult even to meet the minimum necessities, and she apprehends that in case she goes to Guntur, she will be pressurized to act to the dictates of the respondent or his parents in the name of contesting the proceedings and she cannot afford to meet expenses to travel to Guntur and, therefore, made the present request.

5. The learned counsel for the respondent would contend that on the ground of financial constraints, to transfer the proceedings as requested by the petitioner herein in view of the judgment rendered by a learned Single Judge of this Court in **Snehalatha v. S. Ramakrishna Reddy**¹, where certain principles were laid down while considering the petitions for transfer of matrimonial cases from one Court to another. According to the learned counsel that the respondent - husband can be burdened with payment of costs including travel expenses and boarding charges, and such a direction can be given to the petitioner herein and relies on the aforesaid decision.

6. The guidelines given by the learned Single Judge of this Court are only meant for guidance but not laying down law. Therefore, each case requires to be examined and decided in the facts and circumstances occurring therein. In the present case, the very fact that the respondent - husband has not paid any maintenance amount to the petitioner - wife since July, 2015 and subjecting her to starvation itself is a ground to accede to the request herein.

7. Therefore, the Transfer Civil Miscellaneous Petition is allowed, and F.C.O.P. No.218 of 2015 pending on the file of the Judge, Family Court, Guntur, is withdrawn and transferred to the

¹. 2002 (1) ALD 130

Judge, Family Court, Warangal, for disposal in accordance with law,
and dispose of the O.P. in accordance with law.

8. The learned Judge, Family Court, Warangal, shall issue
notices to both parties on receipt of records from the court of Judge,
Family Court, Guntur,

As a sequel thereto, miscellaneous petitions, if any, pending in
the Transfer CMP, stand closed.

April 13, 2018.
Mgr

A. SHANKAR NARAYANA, J

