

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Transfer Civil Miscellaneous Petition No.470 of 2016

ORDER:

Heard Sri P. Shiv Kumar, learned counsel for the petitioner-wife.

2. No representation for the respondent-husband

3. The petitioner-wife makes a request to withdraw O.P. No.526 of 2014 pending on the file of Judge, Family Court, Rangareddy District at L.B. Nagar and transfer the same to the file of Senior Civil Judge, Jagtial, Karimnagar District, under Section 24 of Civil Procedure Code, 1908 (for short, 'C.P.C.).

4. Learned counsel for the petitioner would submit that the marriage between the parties took place in Arya Samaj on account of love affair between them while petitioner-wife was prosecuting B.Tech. course, and when she received information that her father's condition was serious as he met with a road accident and admitted in Sai Ram Hospital, Jagtial, she rushed to Karimnagar on 2.2.2014, and thereafter, the respondent-husband did not allow her to join his society, demanding additional amount of Rs.10,00,000/- and 30 tulas of gold giving threat that he would go for second marriage if his demand is not met, and, even, filed O.P. No.526 of 2014 for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955.

5. Learned counsel the petitioner would submit that it is very difficult for her to travel to Family Court, Rangareddy District at

L.B. Nagar from the place where herself and her mother resides as her father even expired on 19.04.2016 not only on account of the injuries he sustained in a road accident but also on account of mental agony having felt humiliated.

6. Irrespective of the fact whether the respondent refuted these allegations or not, but it is a case where the request made is genuine and to avoid hardship to the petitioner to travel and meeting of expenses to Hyderabad from Jagtial, Karimnagar District, it is desirable to accede to the request.

7. Therefore, the Transfer Civil Miscellaneous Petition is allowed. O.P. No.526 of 2014 pending on the file of Judge, Family Court, Rangareddy District at L.B. Nagar is withdrawn and transferred to the file of Senior Civil Judge, Jagtial, Karimnagar District. The transferee Court shall issue notices to both parties on receipt of case bundle and then proceed to dispose of O.P. in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the Transfer Civil Miscellaneous Petition shall stand closed.

A.SHANKAR NARAYANA

Dt. 17.04.2018
gbs