

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Transfer Civil Miscellaneous Petition No.45 of 2019

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/wife, requesting to withdraw F.C.O.P.No.2408 of 2018 from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the Family Court, Mahabubnagar, for trial and disposal in accordance with law.

2. Heard the learned counsel for the petitioner/wife and perused the record. On 24.09.2019, the learned counsel for the respondent/husband was not ready to argue the matter and hence, the matter was directed to be listed under the caption "For Orders". Despite listing this matter today under the caption 'For Orders', there is no representation for the respondent/husband.

3. The learned counsel for the petitioner/wife would submit that the petitioner/wife filed D.V.C.No.45 of 2017 before the Judicial Magistrate of First Class, Mahabubnagar, M.C.No.35 of 2017 before the Family Court, Mahabubnagar and another unnumbered Calendar Case before the Judicial Magistrate of First Class, Wanaparthi (which arose out of Crime No.39/2017 of Wanaparthi Police Station registered for the offences punishable under Sections 323, 504, 498A of IPC and Sections 3 & 4 of the Dowry Prohibition Act) against the respondent/husband. As a counter blast to the cases filed by the petitioner/wife in the Courts at Mahabubnagar, the respondent/husband filed F.C.O.P.No.2408 of 2018 before the

Family Court, Ranga Reddy District at L.B.Nagar, seeking divorce and ultimately requested to withdraw F.C.O.P.No.2408 of 2018 from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the Family Court, Mahabubnagar, which is convenient to her.

4. When the distance between the place where the wife is residing and the Court at which the case is filed by the husband is very long, it will be difficult for the wife to travel all alone. The convenience of the wife should be preferred and shall prevail over the inconvenience, if any, which may be caused to the husband. Convenience of the wife is the prime consideration. Accordingly, this Court finds that sufficient cause is shown by the petitioner/wife for granting the relief claimed by her in this petition, more particularly in the light of the fact that the respondent/husband, having not entered appearance, is not resisting the application.

5. In the result, this Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.2408 of 2018 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transferred to the Family Court, Mahabubnagar, for trial and disposal in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Transfer CMP, shall stand closed.

Dr. SHAMEEM AKTHER, J

21st October, 2019
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