

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

TRANSFER CIVIL MISCELLANEOUS PETITION No.133 of 2019

O R D E R:

This Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, by the petitioner-wife, seeking to withdraw HMOP.No.16 of 2019, pending on the file of Senior Civil Judge at Sangareddy and to transfer the same to the Family Court at Nizamabad.

2. Heard the learned counsel for the petitioner-wife and perused the record. In spite of service notice, there is no representation on behalf of the respondent-husband.

3. Learned counsel for the petitioner-wife would submit that the petitioner-wife has got two years small baby. It is further submitted that petitioner-wife filed M.C.No.18 of 2019 for maintenance before the Family Court, Nizamabad and D.V.C.No.33 of 2019 under the provisions of Section 37 (2) (c) of Protection of Women from Domestic Violence Act, 2005, on the file II Additional Judicial Magistrate of First Class at Nizamabad. It is also submitted that to harass the petitioner-wife, the respondent-husband filed O.P.No.16 of 2019 for restitution of conjugal rights on the file of Senior Civil Judge, Sangareddy and the pendency of proceedings in O.P.No.16 of 2019 is causing much inconvenience and it is expensive to travel 175 Kms to Sangareddy from her residence at Nizamabad. It is further submitted that the Court at Nizamabad would be convenient to her and ultimately requested to withdraw

HMOP.No.16 of 2019, pending on the file of Senior Civil Judge at Sangareddy and transfer the same to the Family Court at Nizamabad.

4. It is evident from the submissions made as well as from the record produced that the petitioner-wife resides at Nizamabad. The distance between Nizamabad and Sangareddy is 175 Kms, which is very long. It will be difficult for the wife to travel 175 Kms, all alone, to Sangareddy to defend the case in HMOP.No.16 of 2019 on the file of Senior Civil Judge, Sangareddy, and the Family Court situated at Nizamabad is convenient to her. 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.

5. Under these circumstances, the HMOP.No.16 of 2019, pending on the file of Senior Civil Judge at Sangareddy is withdrawn and transferred to the Family Court at Nizamabad to try and dispose of, in accordance with law.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. Miscellaneous petitions, pending if any, shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 25.10.2019
grk

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



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Dated:25.10.2019