

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Tr.C.M.P.No.172 of 2019

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/wife seeking to transfer F.C.O.P.No.90 of 2018 from the file of Judge, Family Court at Warangal District, to the file of the Judge, Family Court at Peddapalli, for trial and disposal in accordance with law.

2. Heard the learned counsel for the petitioner/wife, learned counsel for the respondent/husband and perused the record.

3. Admittedly, F.C.O.P.No.90 of 2018 pending on the file of Judge, Family Court at Warangal District, is filed by the respondent/husband under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955, for divorce, on the ground of cruelty.

4. In the affidavit filed in support of this Transfer Civil Miscellaneous Petition, it is stated that the petitioner/wife is residing with her parents at Somanapally, Peddapalli District, and she has no means of income and she is wholly depending on her parents. It is further stated that it is very difficult for her to travel along with her minor daughter from Peddapalli to Warangal, where subject O.P. is pending, which is more than 100 Kms away from Peddapalli, without any male assistance. It is further stated that the petitioner/wife is apprehending danger to her life on account of threats made earlier by the respondent/husband. It is also stated that all the witnesses in

the subject O.P., are residing at Peddapalli and, therefore, prayed to transfer F.C.O.P.No.90 of 2018 from the file of Judge, Family Court, Warangal District, to the file of Judge, Family Court, Peddapalli.

5. Admittedly, the petitioner/wife resides at Somanapally, Peddapalli District, along with her minor daughter, at her parents' house. The Family Court, Warangal District, where the subject OP is pending, is about 100 Kms away from Peddapalli. In the cases of this nature, the convenience of petitioner/wife is of paramount consideration. The Family Court at Peddapalli, is convenient to the petitioner/wife. Therefore, the prayer sought for by the petitioner/wife can be granted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.90 of 2018 is withdrawn from the file of Judge, Family Court, Warangal District, and transferred to the file of Judge, Family Court at Peddapalli, for trial and disposal in accordance with law.

Miscellaneous petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

3rd December, 2019
YVL