THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Transfer Civil Miscellaneous Petition No.225 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 O.P.No.11 of 2019 from the Court of the Senior Civil Judge, Jagityal, and transfer the same to the Court of Senior Civil Judge, Kamareddy, for trial and disposal, in accordance with law.

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

3. The learned counsel for the petitioner/wife would submit that marriage between the petitioner/wife and the respondent/husband was performed on 23.04.2014 at Singraipally Village, Kamareddy district. Subsequently, the respondent/husband started ill-treating her demanding additional dowry. Though counselling took place before the elders, the respondent/husband did not change his attitude. Unable to bear his torture, the petitioner/wife lodged a complaint with the Kamareddy Police Station, which was registered as Crime No.84 of 2017 for the offences punishable under Sections 498A, 323, 406 and 506(ii) IPC and Section 4 of the Dowry Prohibition Act, 1961. The petitioner/wife also filed M.C.No.491 of 2019 before the Judicial Magistrate of First Class, Kamareddy against the

respondent/husband and DVC No.26 of 2019 before the Additional Judicial Magistrate of First Class, Kamareddy. The respondent/husband filed the subject O.P.No.11 of 2019 before the Senior Civil Judge, Jagityal, under Section 13(1)(ia)&(ib) of the Hindu Marriage Act, 1955, against the petitioner/wife seeking divorce. The petitioner/wife is staying with her aged parents at Kamareddy and she has no source of income. The distance between Jagityal to Kamareddy is around 300 kilometres and it will be difficult for her to travel all alone to attend the proceedings in the Court at Jagityal and to meet expenditure and ultimately prayed to withdraw O.P.No.11 of 2019 from the Court of Senior Civil Judge, Jagityal, and transfer the same to the Court of Senior Civil Judge, Kamareddy, which is convenient to her.

4. The material placed on record reveals that the respondent/husband has filed the subject O.P.No.11 of 2019 before the Senior Civil Judge, Jagityal, under Section 13(1)(ia)&(ib) of the Hindu Marriage Act, 1955, seeking divorce. The petitioner/wife is a housewife and residing at her parents' house at Kamareddy. She has to travel around 300 kilometres from Kamareddy to Jagityal to attend the proceedings in the subject O.P.No.11 of 2019, which certainly causes inconvenience to her. In the cases of this nature, the convenience of the wife should be preferred and shall prevail over the inconvenience, if any, which may be

caused to the husband. Accordingly, this Court finds that sufficient cause is shown by the petitioner/wife for granting the relief claimed by her in this petition.

5. In the result, this Transfer Civil Miscellaneous Petition is allowed and O.P.No.11 of 2019 pending on the file of the Senior Civil Judge, Jagityal, is withdrawn and transferred to the Court of Senior Civil Judge, Kamareddy, for trial and disposal, in accordance with law.

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

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Dr. SHAMEEM AKTHER, J

19th December, 2019
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