

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Tr.C.M.P.No.245 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 H.M.O.P.No.82 of 2019 from the file of Senior Civil Judge, Nizamabad, to the file of XV Additional District Judge - cum – Additional Family Court, Ranga Reddy District at Kukatpally, for trial and disposal in accordance with law.

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

3. A perusal of the track report of notice sent to the respondent/husband filed vide Memo, dated 18.12.2019, discloses that the item is delivered. Hence, service of notice on the respondent/husband is held sufficient.

4. Though the matter is posted today under the caption 'for orders', there is no appearance on behalf of the respondent/husband.

5. Admittedly, H.M.O.P.No.82 of 2019 pending on the file of Senior Civil Judge, Nizamabad, is filed by the respondent/husband, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights.

6. In the affidavit filed in support of this Transfer Civil Miscellaneous Petition, it is stated that the petitioner/wife is residing with her mother at Hyderabad along with her minor son,

who is aged two years and her father expired. Therefore, it is very difficult for her to travel along with her minor son to Nizamabad, where the subject H.M.O.P. is pending. It is further stated that the petitioner/wife is apprehending danger to her life at Nizamabad and, therefore, prayed to transfer H.M.O.P.No.82 of 2019 from the file of Senior Civil Judge, Nizamabad, to the file of XV Additional District Judge - cum – Additional Family Court, Ranga Reddy District at Kukatpally.

7. Admittedly, the petitioner/wife resides at Hyderabad along with her minor son, at her parents' house. Her father had expired. In the cases of this nature, the convenience of petitioner/wife is of paramount consideration. The Family Court at Kukatpally, Ranga Reddy District, is convenient to the petitioner/wife. Therefore, the prayer sought for by the petitioner/wife can be granted.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.82 of 2019 is withdrawn from the file of Senior Civil Judge, Nizamabad, and transferred to the file of XV Additional District Judge – cum – Additional Family Court, Ranga Reddy District at Kukatpally, 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

December 31, 2019
MD