

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Transfer Civil Miscellaneous Petition No.610 of 2018

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.708 of 2018 from the file of the Court of the learned Additional Family Judge, Family Court, City Civil Court, Hyderabad, and transfer the same to the Court of the learned Special Judge, Family Court at Warangal, for trial and disposal in accordance with law.

2. Heard the learned counsel for the petitioner/wife and perused the record. On 26.09.2019, there was no representation for the respondent/husband and hence, the matter was directed to be listed today 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 marriage between the petitioner/wife and the respondent/husband took place on 30.11.2003 at Warangal. Subsequently, disputes arose between the couple and the petitioner/wife filed M.C.No.26 of 2016 and F.C.O.P.No.29 of 2017 on the file of the Court of the learned Special Judge, Family Court at Warangal. As a counter blast to the cases filed by the petitioner/wife in the Courts at Warangal, the respondent/husband filed F.C.O.P.No.708 of 2018 before the Court of the Additional Family Judge, Family Court, City Civil Court, Hyderabad, for divorce

and ultimately requested to withdraw F.C.O.P.No.708 of 2018 from the file of the Court of the Additional Family Judge, Family Court, City Civil Court, Hyderabad, and transfer the same to the Court of the Special Judge, Family Court at Warangal, 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.708 of 2018 is withdrawn from the file of the Court of the learned Additional Family Judge, Family Court, City Civil Court, Hyderabad, and transferred to the Court of the Special Judge, Family Court at Warangal, 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.

21st October, 2019
Bvv

Dr. SHAMEEM AKTHER, J