

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY**

**PRESENT
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER**

TR.C.M.P. NO: 47 OF 2020

Between:

Reddy Kavya, W/o. Reddy Mahesh, D/o. Duddeda Ramulu,

...PETITIONER

AND

Reddy Mahesh, S/o. Rajaiah,

...RESPONDENT

Petition Under Section 24 of the C.P.C, Praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to transfer the O.P.No.98/2019 on the file of Senior Civil Judge, at Sircilla to the Court of Family Court, Ranga Reddy District at L.B.Nagar.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in O.P.No.98/2019 on the Senior Civil Judge, at Sircilla, pending disposal of the above Tr.CMP.

This petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Sri J.Sreenivasa Rao, Advocate for the petitioner and of the Respondent not appearing in person or by Advocate.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Transfer Civil Miscellaneous Petition No.47 of 2020

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.98 of 2019 pending on the file of Senior Civil Judge's Court, Sircilla, and transfer the same to the file of Family Court, Ranga Reddy District at L.B. Nagar, for trial and disposal in accordance with law.

2. Heard the learned counsel for petitioner and perused the record. In spite of service of notice and listing this matter today under caption "for orders", there is no representation for the respondent.

3. The learned counsel for the petitioner/wife would submit that the marriage between the petitioner/wife and the respondent/husband was performed on 12.11.2017 at Sri Gayatri Gardens, Gambhiraopet. At the time of marriage, the parents of the petitioner/wife gave an amount of Rs.5,00,000/- and other household articles worth about Rs.1,50,000/- towards dowry. The couple lived happily for a period of three months. Subsequently, the respondent/husband started harassing the petitioner/wife physically and mentally demanding additional dowry, upon instigation of his family members. In spite of several efforts of the father of the petitioner/wife and her well wishers to resolve the disputes, the respondent/husband did not change his attitude and did not allow the petitioner/wife to stay

in their house. Left with no other alternative, father of the petitioner/wife took her to their house situated at Peerzadiguda, Medipalli Mandal, Ranga Reddy District. Thereafter, the respondent/husband filed the subject O.P.No.98 of 2019 before the Senior Civil Judge's Court, at Sircilla, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of marriage. Subsequently, the petitioner/wife filed O.P.No.1565 of 2019 before the Family Court, Ranga Reddy District at L.B. Nagar, under Section 9 of Hindu Marriage Act, 1955, seeking restitution of conjugal rights. The distance between Ranga Reddy District and Sircilla is about 200 kilometres. It is difficult for the petitioner/wife to travel from her residence to Sircilla to defend the subject O.P.No.98 of 2019, and ultimately prayed to withdraw O.P.No.98 of 2019 from the file of Senior Civil Judge's Court, Sircilla and transfer the same to the file of Family Court, Ranga Reddy District at L.B. Nagar, which is convenient to her.

4. The material placed on record reveals that the respondent/husband filed the subject O.P.No.98 of 2019 before the Senior Civil Judge's Court, Sircilla, against the petitioner/wife under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of marriage. The petitioner/wife filed O.P.No.1565 of 2019 before the Family Court, Ranga Reddy District at L.B. Nagar, under Section 9 of Hindu Marriage Act, 1955, seeking restitution of conjugal rights. The petitioner/wife is residing at Peerzadiguda, Medipalli Mandal, Ranga Reddy District, with her father. She has to travel about 200 kilometres from her residence to Sircilla, to defend the subject OP. It causes hardship

and inconvenience to the petitioner/wife. It is relevant to state that Section 19 of the Hindu Marriage Act, 1955, has been amended in the year 2003, by insertion of proviso (iii)(a). The amended Section 19(iii)(a) of the Act gives special preference to the wife to file a petition and prosecute the same, before the Court within whose jurisdiction she resides. Law is well settled that in the cases of this nature, convenience of the wife is of paramount importance. The attendance of the petitioner/wife before the Court at Sircilla, would certainly cause inconvenience to her. Though small inconvenience may be caused to the respondent/husband in attending the Court at Ranga Reddy District at L.B. Nagar, the convenience of the wife should be preferred and shall prevail over the inconvenience, if any, which may be caused to the husband. Furthermore, the contentions and defences set up by both the parties in both the OPs are similar. The points emerging for determination in both the OPs are also similar. To avoid inconsistency and conflicting decisions, it would be appropriate if both the OPs are adjudicated and determined by one Court. Under these circumstances, 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.98 of 2019 is withdrawn from the file of the Senior Civil Judge, Sircilla, and transferred to the file of Family Court, Ranga Reddy District at L.B. Nagar, for trial and disposal, in accordance with law. It is left open to the Family Court, Ranga

Reddy District, at L.B.Nagar, either to club both the O.Ps or dispose of them separately. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

//TRUE COPY//

Sd/-I.NAGA LAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Senior Civil Judge, at Sircilla.
2. The Family Court, Ranga Reddy District at L.B.Nagar.
3. One cc to Sri J.Sreenivasa Rao, Advocate (OPUC)
4. Two CD Copies

Kj.

[Handwritten signature]

HIGH COURT

DATED:20/08/2020



ORDER

TRCMP.No.47 of 2020

Allowing the Tr.CMP no costs.

⑤
21/9/20
HVL