

THE HON' BLE SRI JUSTICE A. VENKATESHWARA REDDY**Transfer Civil Miscellaneous Petition No.157of 2019****ORDER:**

The petitioner-wife has filed this Transfer Civil Miscellaneous Petition seeking withdrawal of OP No.58 of 2019 pending on the file of Principal Senior Civil Judge, Mancherial, and to transfer the same to the Family Court, at Warangal.

2. The main averments in the affidavit filed in support of the petition are that she is a legally wedded wife of the respondent; out of wedlock, she gave birth to a female child; when she conceived a second time, the respondent forced her to undergo abortion; thereafter he deserted her whereupon she was forced to stay with her parents; later the respondent filed O.P.No.58 of 2019 on the file of Senior Civil Judge, at Mancherial, seeking divorce; when she went to attend the Court on 12.06.2019 accompanied by her father, they were threatened by the supporters of respondent; the petitioner filed maintenance case M.C.No.57 of 2019 on the file of Family Court, Warangal; she has also filed a case in Crime No.89 of 2019 of Women Police Station, Warangal Urban, for the offences under Sections 498A, 342, 506 of PIC read with Sections 3 and 4 of Dowry Prohibition Act; and therefore requested for transfer of FCOP No.58 of 2019 filed by the respondent in the Court of Principal Senior Civil Judge, Mancherial, to the Family Court, at Warangal.

3. The respondent filed a detailed counter denying the averments of the affidavit filed in support of the transfer petition stating that many a time, the petitioner-wife used to abuse in filthy language, she made attempts to commit suicide, all the allegations made in her affidavit are not correct.

In fact, the petitioner and her parents have demanded 25 lakhs to settle the dispute and that there is life threat to the respondent in the hands of the petitioner.

4. Heard on both sides.

5. This transfer petition is filed by the petitioner-wife on the ground that when she was deserted by her husband, she started living with her parents at Warangal, and it is causing lot of inconvenience for her to attend the Court of Principal Senior Civil Judge, at Mancherial. Further, on 12.06.2019 when she went to attend the Court, the respondent with his supporters tried to obtain signatures of the petitioner on some blank papers. She also gave a report to the Police but the Police did not register any case. In addition to it, it is further stated by the petitioner that she has filed M.C.No.57 of 2019 on the file of Judge, Family Court, at Warangal. She has also filed a criminal case for the offence under Sections 498A, 342, 506 of PIC read with Sections 3 and 4 of Dowry Prohibition Act, against the respondent before the Women Police Station, Warangal Urban.

6. In the above circumstances, as the petitioner-wife has also filed a maintenance case pending on the file of Judge, Family Court, at Warangal, and the respondent-husband is not paying any maintenance to the petitioner towards her living expenses, travel expenses to the petitioner-wife, this Court has to consider the convenience of the wife to attend the Court proceedings at Mancherial.

7. The Hon'ble Supreme Court in ***Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi***¹ while dealing with transfer proceedings of matrimonial dispute held that in this type of matters, convenience of wife is to be preferred over the convenience of husband and accordingly

¹ (2005) 12 SCC 237

transferred the HMOP pending before the Civil Judge (Senior Division) at Panvel, to the Family Court of proper jurisdiction, at Satana, Madhya Pradesh.

8. In that view of the matter, while considering the convenience of petitioner/wife, if the O.P.No.58 of 2019 on the file of Principal Senior Civil Judge, Mancherial, is withdrawn and transferred to the Family Court, at Warangal, no prejudice would be caused to the respondent.

9. **In the result**, the Transfer CMP is allowed, and the O.P.No.58 of 2019 pending on the file of Principal Senior Civil Judge, Mancherial, is withdrawn and transferred to the Family Court, at Warangal. No costs. The learned Principal Senior Civil Judge, Mancherial, is directed to transmit the entire record in O.P.No.58 of 2019, duly indexed, to the Court of Judge, Family Court, at Warangal, within one month from the date of receipt of a copy of this order.

Miscellaneous petitions, if any pending in this Transfer CMP, shall stand closed.

08th November, 2021

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A. VENKATESHWARA REDDY, J

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