

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

**THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE**

**PRESENT
THE HONOURABLE SRI JUSTICE A.VENKATESHWARA REDDY**

TR.C.M.P. NO: 104 OF 2020

Between:

Jadhav Kalpana Kumari, W/o Pavan Kumar,

...PETITIONER

AND

Jadhav Pavan Kumar, S/o Dr. Premdas Jadhav,

...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 H.M.O.P.No.22 of 2020 on the file of Senior Civil Judge at Adilabad to the Court of the Family Court at Karimnagar District Courts.

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 stay of all further proceedings in H.M.O.P.No.22 of 2020 on the file of Senior Civil Judge at Adilabad, pending disposal of the main Transfer Civil Miscellaneous Petition.

This petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Sri P.Sajan Kumar, Advocate for the petitioner and of Sri Prakash Chakravarthy, Advocate for the Respondent.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY

Tr.CMP.No.104 of 2020

ORDER:

The petitioner-wife has filed this petition under Section 24 of C.P.C seeking withdrawal of HM.OP.No.22/2020 pending on the file of the Senior Civil Judge at Adilabad and to transfer the same to the Family Court at Karimnagar.

The petitioner is a legally wedded wife of the respondent. Their marriage was performed on 22.04.2018. They led happy life for sometime. Later, the family members of the respondent started demanding additional dowry and driven out the petitioner from her matrimonial house. Thereafter, she gave report to the police vide Crime No.99 of 2020 on the file of Women Police Station, Karimnagar, for the offences under Section 498 A IPC. She also filed a domestic violence case against the respondent vide D.V.C.No.63 of 2020, pending on the file of Judicial Magistrate of First class at Karimnagar. In the meanwhile, the respondent-husband has filed HM.OP.No.22 of 2020 on the file of the Senior Civil Judge at Adilabad, seeking dissolution of the marriage. The distance between Adilabad and Karimnagar is nearly about 150 k.ms. and it is causing lot of inconvenience to the petitioner to travel all along and there is nobody to take care of her interest and that the respondent is not paying any maintenance to her.

The respondent had filed a detailed counter denying the petition averments stating that the petitioner is not interested to

marry him, his mother is a cancer patient, he being a Government employee has to stay at the place of work and to look after his aged parents. In fact, his mother was looking after the petitioner as her own daughter; that in a span of two years of matrimonial relationship, the petitioner hardly stayed for two or three months with the respondent. He is employed in Agricultural Department at Uttnoor, Adilabad District and that if the matter is transferred to Karimnagar, it would cause lot of hardship to him.

Heard both sides.

The relationship between the parties is admitted fact. It is also an admitted fact that the petitioner herein has filed Criminal Case in Crime No.99/2020 before the Women Police Station at Karimnagar. She has also filed a domestic violence case before the Judicial Magistrate of First Class at Karimnagar. She is residing with her parents at Karimnagar. Even as per the cause title in OP.No.22/2020 pending on the file of Senior Civil Judge at Adilabad, filed by the respondent herein, her address is shown as Bhagathnagar Locality, Karimnagar town and she is shown as house wife only. It is not the case of the respondent that petitioner is gainfully employed and that she is able to maintain herself or that he has been regularly paying maintenance to her.

The Honourable Supreme Court in **Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi**¹ while dealing with the transfer application in matrimonial cases, held that in this type

¹ (2005) 12 SCC 237

of matters, the convenience of wife is to be preferred over the convenience of the husband.

In the case on hand also, the petitioner-wife is staying with her parents. She is a house wife and not able to maintain herself. She has filed a case under Section 498 A and a domestic violence case at Karimnagar. The Respondent is working as Agricultural Officer at Utnur, Adilabad District, but not paying maintenance to petitioner. He is attending the cases at Karimnagar. As such, convenience of wife has to be preferred over the convenience of the husband. Accordingly, considering the convenience of the petitioner, I deem it fit to transfer HM.OP.No.22 of 2020, pending on the file of Senior Civil Judge at Adilabad to the Judge, Family Court at Karimnagar.

In the result, the Tr.CMP is allowed, HM.OP.No.22/2020, pending on the file of the Senior Civil Judge, Adilabad is ordered to be withdrawn and transferred to the Family Court at Karimnagar for disposal in accordance with law. Learned Senior Civil Judge, Adilabad, shall transmit the entire record duly indexed within one month from the date of receipt of a copy of the order. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, pending if any, shall stand disposed of.

//TRUE COPY//

Sd/-K.ONESIM
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Senior Civil Judge, Adilabad, Dist: Adilabad.
2. The Judge, Family Court, Karimnagar, Karimnagar District.
3. One CC to Sri P.Sajan Kumar, Advocate (OPUC)
4. One CC to Sri Prakash Chakravarthy, Advocate (OPUC)
5. Two CD Copies
6. One Spare Copy

Kj.

7/1/24

HIGH COURT

DATED:02/12/2021



ORDER

TRCMP.No.104 of 2020

ALLOWED.

7
30/12/21
Hv4