

THE HON'BLE SRI JUSTICE A. VENKATESHWARA REDDY

Tr.C.M.P.No.135 of 2022

ORDER:

This Transfer Civil Miscellaneous Petition under Section 24 of the Civil Procedure Code, 1908 (for short 'CPC') is filed by the petitioner/wife against the respondent /husband with a prayer for withdrawal of FCOP No.118 of 2018 pending on the file of the Senior Civil Judge at Huzurabad and to transfer the same to the Principal Senior Civil Judge, Hanamkonda, Hanamkonda District.

2. Notice is served on the respondent/husband, engaged an advocate, but no counter is filed. Heard learned counsel on both sides. Though no such counter affidavit is filed, the learned counsel for the respondent has resisted this Tr.CMP stating that transfer petitions cannot be filed often by the petitioner/wife, she is a bank employee and there are no merits in the petition, in fact as per the request of the wife itself, vide orders dated 04.07.2018 in Tr.CMP No.137 of 2018, this Court has transferred FCOP No.172 of 2017 from the file of the Judge, Family Court, Ranga Reddy District at Miyapur to the Senior Civil Judge

at Huzurabad and accordingly opposed the application. The submissions made on either side have received due consideration of this Court. Perused the material available on record.

3. The petitioner is the legally wedded wife of the respondent. Undisputedly, their marriage was performed on 28.11.2010, they were blessed with a girl child, and presently she is aged about seven years. The petitioner is a bank employee, whereas the respondent is a software engineer. It is a fact that as per the orders of this Court dated 04.07.2018 in Tr.CMP No.137 of 2018, OP No.172 of 2017, which was pending on the file of the Judge, Family Court, Ranga Reddy District at Miyapur is withdrawn and transferred to the Court of the Senior Civil Judge at Huzurabad, thereafter it was renumbered as OP No.118 of 2018.

4. The learned counsel for the petitioner/wife seeks to submit that in view of the newly carved out 33 judicial districts by virtue of notification issued by the Government of Telangana, the Maintenance Case and Calendar Case,

which were pending as CC No.131 of 2020 and M.C.No.5 of 2017 on the file of the learned Junior Civil Judge, Husnabad, have been transferred to the jurisdictional courts at Hanamkonda and both the matters i.e., C.C. and M.C. are transferred to Hanamkonda and now the petitioner is made to attend the divorce OP No.118 of 2018 pending at Huzurabad.

5. Therefore, having regard to the submissions made by the learned counsel for the petitioner and the respondent, taking cognizance of the notification by newly carved out 33 judicial districts coterminous with revenue districts with effect from 02.06.2022, considering the convenience of the wife and minor children, scheme of the Hindu Marriage Act precisely Section 19 (iii)(a) of the said Act, I find justification in the request of the petitioner/wife. That apart, if pending FCOP on the file of the Senior Civil Judge, Huzurabad is withdrawn and transferred to the Judge, Family Court at Warangal, it would be in better interest and convenience of the parties and that both the petitioner and the respondent may attend all the three matters from

one Court complex. In that view of the matter, I find justification in the request of the petitioner/wife.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. FCOP No.118 of 2018 pending on the file of the Senior Civil Judge at Huzurabad is ordered to be withdrawn and transferred to the Judge, Family Court at Warangal, for disposal in accordance with law. The learned Senior Civil Judge, Huzurabad shall transmit the entire record in FCOP No.118 of 2018 duly indexed within one month from the date of receipt of a copy of this order. However, there shall be no order as to costs.

As a sequel, interlocutory applications, if any pending in this Tr.CMP shall stand closed.

A. VENKATESHWARA REDDY, J.

Date: 28.07.2022

Isn