

HONOURABLE SRI JUTICE N. TUKARAMJI**TRANSFER CMP.NO.172 OF 2021**
AND
TRANSFER CMP.NO.173 OF 2021**COMMON ORDER :**

Heard Sri J. Venudhar Reddy, learned counsel for the petitioner and Smt. D. Pramada, learned Senior Counsel for the respondent.

2. As the relief sought for in Tr.CMP.Nos. 172 and 173 of 2021 are between the same parties and seeking the same relief, both these petitions are being disposed of by this common order.

3. Tr.CMP.No. 172 of 2021 is filed seeking transfer of FCOP.No. 244 of 2018 from the Court of Family Court, City Civil Court, Secunderabad to the Court to the Court of Family Court, Ranga Reddy district at LB Nager to be tried along with FCOP.No.1846 of 2018.

4. Tr.CMP.No.173 of 2021 is filed with a prayer to transfer FCOP.No.463 of 2017 from the Court of Family Court Judge, City Civil Court, Secunderabad to the Family Court, Ranga Reddy district, Hyderabad to be tried along with FCOP.No. 1846 of 2018 and MC.No. 17 of 2019.

5. Learned counsel for the petitioner submits that the petitioner is the wife of the respondent and they begot a child. However, due to unfortunate marital disturbances led to their separate living and the petitioner along with

child is residing with her parents in Saroornager. There she filed FCOP. No. 463 of 2017 seeking dissolution of marriage. Later the respondent filed for restitution of conjugal rights vide FCOP.No. 244 of 2018 on the file of Family Court Judge, City Civil Court, Secunderabad.

6. This apart, the respondent filed Guardian FCOP.No. 1846 of 2018 and the petitioner filed M.C.No. 17 of 2019 on the file of the Court of Judge, Family Court, at LB Nager Hyderabad. It is submitted that the petitioner filed another application for protection of women from Domestic Violence Act, vide DVC.No.131 of 2019 is pending on the file of the Court of VI-Additional Metropolitan Magistrate in the Court Complex of LB Nager, Ranga Reddy district, Hyderabad.

7. The petitioner submits that as the matters are pending before different courts and the orders passed by the respective courts are not compatible, for compliance. Further, the petitioner pleaded that for her livelihood she is pursuing Post Graduation in the University of Rajasthan. In the circumstances attending all the matters before the different courts is causing hardship and inconvenience and if the matters are placed on one file it would be convenient not only for her but also to the respondent, hence prayed for transfer of the petitions as prayed for.

8. On the other hand, Smt.D.Pramada, the learned Senior Counsel for the respondent vehemently opposed and contended that the petitioner has adopted the practice of filing the transfer petitions one after another on flimsy

grounds and the docket proceedings sheet of the Court at Secunderabad itself is evident to show that the petitioner is not appearing for the trial court proceedings and the matters are being adjourned at her instance. However, as the matters are at advance stage and the issues to be considered in the petitions are different, and as, the petitioner has not made out any *bonafide* requirement, both the transfer petitions are liable to be dismissed *in limini*.

9. The undisputed facts reveal that the petitioner is living with her parents along with her child and she has no avocation. The petitioner has seven years old child. The claim of the petitioner that attending the courts with child including the place to pursue her education is causing inconvenience cannot be considered. Be that as it may, as the matters are pending before the Family Court, Secunderabad as well as Court Complex at LB Nager, Ranga Reddy district, both the parties shall invariably attend their places. Though the respondent contended that the petitioner is seeking adjournment in the pending petitions cannot be a ground to allow or refuse the prayer for transfer. Further the Hon'ble Apex Court in catena of judgments held that in matrimonial cases convenience of the wife is a relevant factor for consideration while examining the petitions seeking for transfer.

10. Considering the circumstances, put forth by the parties, this Court is of the opinion that the comparative inconvenience that may be caused to the petitioner would be greater than that of the respondent, transferring the cases to the place desired by the petitioner found appropriate.

11. Accordingly, the transfer petitions are allowed, FCOP.No. 463 of 2017 and FCOP.No.244 of 2018 on the file of the Court of Family Court Judge, Secunderabad are withdrawn and transferred to the Family Court, Ranga Reddy district at LB Nager, Hyderabad for adjudication in accordance with law.

12. At this stage, the learned Senior Counsel for the respondent submits that time limit may be prescribed for the early disposal of the matters and in all force the petitioner counsel represented that he is ready to co-operate to co-operate for early disposal.

13. As the request is found reasonable, the learned Judge, Family Court, Ranga Reddy district at LB Nager, Hyderabad is directed to dispose of the matters as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

14. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE N. TUKARAMJI.

HONOURABLE SRI JUTICE N. TUKARAMJI

TRCMP.No. 172 OF 2021

AND

TRCMP.No. 173 OF 2021

{ DISPOSED OF BY A
COMMON ORDER }

Circulation No.
Date: 05-01-2022
Court Master : ISL