

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

THURSDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

TRANS. CIVIL MISC.PETITION NO: 139 OF 2022

Between:

Smt. Rakonda Sravanthi @Mandala Sravanthi, W/o Rakonda Sai baba, aged 32 years Occ. house wife, R/o Babu camp, Kothagudem, Bhadradi Kothagudem Dist.

...PETITIONER/RESPONDENT

AND

Rakonda Sai Baba, S/o R. Narendar, Aged about 32 years, occ. Pvt. Employee R/o H.No. 45-535/1, Ground floor, Prashanth nagar, Siripuri cold. Lalapet, Secunderabad- 17 Presently residing at H.No.12-1-256, Krushinagar to Bandlaguda road, Behind GHMC community hall, GSI post, Bandlaguda, Ranga Reddy District -88

...RESPONDENT/PETITIONER

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 FC.O.P. No.141/2022 which is pending on the file of learned Judge, Family Court, City Civil Court, Secunderabad to the learned Judge, Family Court, at Kothagudem, Bhadradi Kothagudem District.

IA NO: 1 OF 2022

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in FCOP No.141/2022 which is pending on the file of learned Judge, Family Court, Secunderabad.

This Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri M.V. Hanumantha Rao, Advocate for the Petitioner, and of Sri Kiranmayee Sandepudi, Advocate (being not present) for the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TRANSFER CIVIL MISCELLENEOUS PETITION NO.139 OF 2022

ORDER :

No representation for the respondent, in fact, on 10.10.2022 learned counsel representing the respondent sought time for filing counter and at such request, the matter was adjourned to 26.10.2022. Again, a request was made on 26.10.2022 seeking time for filing counter. Though the matter is adjourned to today at the request of the respondent, none represented the respondent.

2. Heard learned counsel for the petitioner.
3. This petition has been filed by the petitioner/wife under Section 24 of the Code of Civil Procedure, 1908 with a prayer to transfer F.C.O.P.No.141/2022 from the file of the Family Judge, City Civil Court, Secunderabad, to the file of the Judge, Family Court, Kothagudem, Bhadradi Kothagudem.
4. As could be seen from the averments made in the affidavit filed in support of the present petition, it appears

that the marriage of the petitioner was performed with the respondent herein on 13.08.2022 at Kothagudem and her parents have paid sufficient dowry and other customary gifts to the respondent. She joined the respondent at Rampally, but subsequently, the respondent and his family members started harassing her for additional dowry. Later, the couple shifted to Secunderabad but the family members of the respondent used to visit the couple frequently and instigated the respondent to demand additional dowry. Thereby, in the month of June, 2021, he necked her out. It seems that the petitioner has filed a complaint before the Chunchupally Police, basing thereon, a case in Crime No.38/2022 was registered against the respondent and his family members and that she has filed a case under the provisions of the Domestic Violence Act, 2005 and these cases are pending at Kothagudem. The petitioner states that the respondent filed F.C.O.P.No.141/2022 under Section 9 of the Hindu Marriage Act, 1955 but he himself necked her out from their house and he filed the said petition only to harass her.

5. The petitioner further submitted that she is not having any source of income and purely depending upon the earnings of her parents. Therefore, if she is asked to prosecute the said F.C.O.P. filed by the respondent at Secunderabad, she need to travel all the way from Kothagudem to Secunderabad but she cannot travel such a long distance without the assistance of any family member. She is not in a position to afford the expenses. Therefore, it would cause hardship to her both physically and financially. Thereby, she prayed for transfer of F.C.O.P.No.141/2022.

6. In the light of the circumstances narrated *supra*, it unfolds that the petitioner is residing at the house of her parents and she filed criminal case and DVC case against the respondent and his family members.

7. Learned counsel for the petitioner has submitted that having necked out the petitioner from their house, the respondent only to harass the petitioner herein filed petition under Section 9 of the Hindu Marriage Act, 1955 without any actual intention to take the petitioner into his fold.

8. Learned counsel for the petitioner has rightly pleaded that the petitioner, who is not an employee and purely depending on her parents, has to travel all the way from Kothagudem to Secunderabad, which involves financial hardship, apart from, physical strain.

9. Considering the circumstances explained in the accompanying affidavit filed in support of the petition and the submissions made by learned counsel for the petitioner, this Court feels that there are sufficient grounds to transfer the said F.C.O.P. as such this petition is liable to be allowed

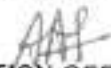
10. In the result, the petition is allowed. As a consequence thereof, F.C.O.P.No.141/2022 on the file of the Family Judge, City Civil Court, Secunderabad, is withdrawn and transferred to the file of the Family Judge, Kothagudem, Bhadradi Kothagudem District.

The concerned Court is hereby directed to transmit the entire case file, after duly indexed, within two weeks from the date of receipt of this Order, under the intimation to the other side.

Pending miscellaneous applications, if any, shall stand closed. No costs.

//TRUE COPY//

Sd/-G.SIREESHA
ASSITANT REGISTRAR


SECTION OFFICER

To,

1. The Judge, Family Court, City Civil Court, Secunderabad.
2. The Judge, Family Court, at Kothagudem, Bhadrachalam, Kothagudem District.
3. One CC to Sri M V Hanumantha Rao, Advocate [OPUC]
4. One CC to Sri Kiranmayee Sandepudi, Advocate [OPUC]
5. Two CD Copies

plp



HIGH COURT

DATED:10/11/2022

ORDER

TRCMP.No.139 of 2022



ALLOWING THE TRCMP WITHOUT COSTS

⑦ Copies
[Signature]
17/01/2023