

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TRANS. CIVIL MISC.PETITION NO: 213 OF 2022

Between:

Thandra @ionnapalli Supraja Tejaswi, W/o.Venkatesh, D/o.Thandra Sanjeevaraju, Aged 31 years, Occ-Employee, R/o.H.No.T.1321, Near SCCL High School, 8 Incline Colony, Godavarikhani, Ramagundam Mandl, Peddapalli District.

...Petitioners

AND

1. J.N.Venkatesh, S/o.Narayana, Aged 35 years, Occ-Chef, R/o.H.No.1-4-20/1, Kandiguda, Sainikpuri, Secunderabad, Medchal-Malkajgiri District
2. Chiliveru Sudhir Kumar, S/o.Not Known, Aged about 35 years, Occ-Agr.Ext. Officer/Govt. Employee, R/o.Flat No.202 B, Tara Homes, Pedda Amberpt, Hayathnagar, Ranga Reddy District.

...Respondents

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 Withdraw the F.C.O.P.No.317/2020 pending on the file of the Honble XVI Additional District and Sessions Judge cum III Additional Family Court Judge, R.R. District at Malkajgiri and to Transfer the same to the file of Honble Senior Civil Judge Court at Peddapalli or to the Honble Family Court at Karimnagar, Karimnagar District.

TR.C.M.P.M.P. No: 1 OF 2022

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 all further Proceedings including appearance of the Petitioner in F.C.O.P.No.317/2021 pending on the file of the Honble XVI Additional District and Sessions Judge cum III Additional Family Court Judge, R.R. District at Malkajgiri.

Counsel for the Petitioner: SRI. C HARI PREETH

Counsel for the Respondents: N. MADAN MOHAN MURTHY

The Court made the following: ORDER

HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TR.C.M.P.NO.213 of 2022

ORDER :

This Tr.C.M.P. has been filed by the petitioner/wife against the respondent/husband under Section 24 of Civil Procedure Code with a prayer to transfer F.C.O.P.No.317 of 2020 on the file of XVI Addl. District and Sessions Judge cum III Addl. Family Court, Ranga Reddy District at Malkajgiri to the Court of Senior Civil Judge, Peddapalli or Family Court, Karimnagar.

2. As per the material averments made in the affidavit filed in support of the petition, the petitioner has stated that her marriage with the respondent was performed on 26-05-2019 at Secunderabad. The parents of petitioner paid Rs.20,00,000/- as dowry apart from gifts like gold, articles and motor-bike etc., She joined the respondent but her marital life with respondent was cordial for only two months and later, the respondent started harassing her for additional dowry and the respondent and his parents and other relatives necked out her from the in-laws house on 19-12-2019.

3. The petitioner has further stated that the respondent and his parents harassed her for additional dowry and by

suspecting her, subjected her to physical and mental harassment. She filed a complaint before police, Godavarikhani-II Town P.S. and a case in Crime No.170 of 2020 was registered against the respondent and others. She has also filed a petition under Section 9 of Hindu Marriage Act before Senior Civil Judge, Peddapalli, which was registered as H.M.O.P.No.90 of 2021.

4. The petitioner further stated that the respondent with a view to harass her, filed a petition under Section 13(1)(i)(ia) and under Sections 21 and 24 of Hindu Marriage Act r/w Section 7(1)(a) of Family Courts Act for divorce and maintenance. The petitioner states that she is a Government Employee and took shelter at the house of her parents, she is working at Sircilla. She has no other male assistance to attend the Court at Malkajgiri, Hyderabad, which is at a distance of 250 K.M. from her residence. She has to attend field work and submit report to her higher officials. Thereby sought for transfer of F.C.O.P.No.317 of 2020 filed by the respondent to Peddapalli or Karimnagar.

5. The respondent appeared through counsel and filed his counter affidavit and disputed material averments made by the petitioner except his marriage with the petitioner. The respondent has stated that the petitioner deserted the matrimonial house soon after he left for overseas employment on 08-11-2019, but refused

to join him after he returned to India on 03-12-2019, due to ill-ness of his mother. The respondent has alleged that though the petitioner was at fault, inspite of his efforts through mediators failed and the parents of petitioner have no interest to send her to his house. As per the counter affidavit filed by the respondent, it seems he has filed a petition seeking maintenance from the petitioner on the ground that she is an employee, whereas he is not doing any job and that he filed F.C.O.P. not only for divorce but also claiming maintenance of Rs.20,000/- per month, damages of Rs.5,00,000/-, and Rs.50,000/- towards legal expenses. He has also stated that he is not doing any job, he has no source of income to travel to Karimnagar and there is a threat from the petitioner who is a Government employee, thereby prayed for dismissal of the Tr.C.M.P. filed by the petitioner.

6. Heard both parties.

7. Now the point for consideration is :

Whether there are grounds to transfer F.C.O.P.no.317 of 2020 if so, to which place?

8. The marriage between petitioner and respondent is not in dispute. As per the averments made in the affidavit filed by the petitioner and counter affidavit of respondent, it is clear that the petitioner is living away from the respondent. She is an employee

and now working at Sircilla. She has lodged a complaint against respondent and his family members for the offence under Section 498-A I.P.C. The respondent is a resident of Secunderabad and he claims that he has no job and no source of income. The respondent tried to show through his counter affidavit that the petitioner herself left his house and alleging that the petitioner abused him etc., It is not appropriate to weigh the alleged whatsapp chatting or other conversations in the present transfer petition.

9. The petitioner being an employee and lady staying with her parents need to apply leave and travel all the way from Sircilla to Hyderabad to attend the Family Court at Malkajgiri to contest the divorce petition filed by the respondent. The Hon'ble Apex Court was pleased to observe in a case of this nature that the interest of wife is paramount issue for consideration. The respondent being an able bodied male can easily travel when compared with the case of petitioner.

10. As per the averments made in the petition, the petitioner is working at Sircilla which is very close to Karimnagar when compared with Peddapalli which is beyond Karimnagar. There is a frequent bus facility from Hyderabad to Karimnagar. In fact the respondent is already attending the criminal case filed by

the petitioner. He need not attend each and every hearing since he will be represented by an Advocate. Therefore, taking all the circumstances into consideration, there are grounds to transfer F.C.O.P.No.317 of 2020 to Karimnagar.

11. In the result, petition is allowed. F.C.O.P.No.317 of 2020 on the file of XVI Addl. District and Sessions Judge cum III Addl. Family Court, Ranga Reddy District at Malkajgiri, is withdrawn and transferred to the Court of Family Court at Karimnagar. The Family Court, Malkajgiri is directed to transfer the entire record in FCOP No.317 of 2020 by duly indexing the same within two (2) weeks from the date of receiving the order under due intimation to the respondent.

Consequently, Miscellaneous applications if any, are closed.

No costs.

Sd/- NAYANI CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER

To,

1. The XVI Additional District and Sessions Judge-cum-III Additional Family Court Judge, Ranga Reddy District, at Malkajgiri.
2. The Judge, Family Court Karimnagar.
3. One CC to SRI, CHARI PREETH, Advocate [OPUC]
4. Two CD Copies.

KAM
HLL

HIGH COURT

SSRNJ

DATED:21/11/2022



ORDER

TRCMP.No.213 of 2022

ALLOWING THE TR.CMP WITHOUT COSTS.

(6)
13/1/23
HVL