

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

SATURDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

TRANSFER CIVIL MISCELLANEOUS PETITION NO: 233 OF 2022

Between:

Smt. Patha Swathi, W/o. Patha Ravi Teja Hindu, Aged about 28 Years,
Occ.House wife, Opp. Inner Wheel Club, Bank Colony, Kothawada, Warangal
District, TS. Cell No. 9550301116.

...Petitioner

AND

Patha Ravi Teja, S/o. P.Venugopal, Hindu, Aged about 31 Years, Occ. Private
Business, R/o.H.No.8-2-601/3, Zahara Nagar, Road No. 10, Banjara Hills,
Hyderabad-34. TS. Cell No. 9502848680.

...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 FCOP 1060 of 2022 on the file of Judge Family Court, City Civil Hyderabad
to the Judge Family Court cum Second Additional District and Sessions Judge, at
Hanumakonda, in the interest of justice.

IA 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 in FCOP 1060 of 2022 on the file of Judge Family
Court, City Civil Hyderabad in the interest of justice.

Counsel for the Petitioner: SRI K.B. NARASIMHULU

Counsel for the Respondents: SRI K. VENUGOPALA CHARY

The Court made the following: ORDER

HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TR.C.M.P.NO.233 of 2022

ORDER :

This is a petition filed by the petitioner-wife under Section 24 of Civil Procedure Code against the respondent-husband with a prayer to transfer FCOP No.1060 of 2022 from the file of Family Court, City Civil Court, Hyderabad to the Family Court cum Second Additional District and Sessions Judge, Hanumakonda.

2. As per the affidavit filed in support of the petition and as per the arguments advanced on behalf of the petitioner, the marriage of the petitioner took place with the respondent on 31-03-2019, and it was an arranged marriage. The petitioner has claimed that huge dowry and customary gifts were presented to the respondent and his family members. She joined the respondent at his house to lead matrimonial life but soon after some time, the respondent and his family members was subjected her to harassment for additional dowry, but she expressed her helplessness to comply the illegal demands of the respondent and his family members. The petitioner has claimed that the respondent used to keep her away without any physical relation.

The respondent and his family members abused her in filthy language, asked her to get additional dowry of Rupees One Crore from her parents and finally, the respondent and his parents drove her from their house during November, 2021. Thereby, she took shelter at the house of her parents. The respondent filed a petition for divorce vide FCOP No.1060 of 2022 before Judge Family Court, City Civil Court, Hyderabad with false allegations. The petitioner has submitted that she has no separate source of income, she is depending upon her parents. She being a resident of Hanumakonda cannot travel to Hyderabad for attending and prosecuting the above said divorce petition. Thereby, she sought for transfer of the case from Hyderabad to Warangal.

3. The respondent made his appearance through his Advocate and opposed the petition.

3. Heard both parties.

4. Now the point for consideration is :

Whether there are grounds to allow the petition to transfer FCOP No.1060 of 2022 as prayed for ?

5. There is no dispute about the marriage between the petitioner and respondent. The respondent did not dispute his filing petition for divorce FCOP.No.1060 of 2022 at Hyderabad. According to the petitioner, she is now residing at Hanumakonda

with her parents. It is not the case of respondent that she is residing at Hyderabad nor it is his case that she can attend the Court at Hyderabad. She being an unemployed, is now under the care and mercy of her parents. If she is asked to attend the Court to prosecute the divorce O.P., she has to travel from Warangal to Hyderabad for which she needs to spend money a part from physical strain. The learned counsel for the petitioner has submitted that the petitioner is expecting threat from the respondent and his family members and he has also submitted that in the light of the Judgment of the Hon'ble Apex Court, the interest of the wife is paramount issue in the divorce case. Thereby, he prayed for transfer of the petition filed by the petitioner from Hyderabad to Warangal. In the light of the above stated circumstances, there are grounds for transfer of petition filed by the respondent from Hyderabad to Hanumakonda.

6. In the result, the petition is allowed. FCOP.No.1060 of 2022 on the file of Judge Family Court, City Civil Court, Hyderabad, is withdrawn and transferred to Family Court, Hanumakonda. The Judge Family Court, Hyderabad is directed to transfer the entire record in FCOP No.1060 of 2022 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.

//TRUE COPY//

SD/-L. SIVA PARVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Family Court, City Civil Court, at Hyderabad.
2. The Family Court-cum-Second Additional District and Sessions Judge, Hanumakonda.
3. One CC to SRI K.B. NARASIMHULU, Advocate [OPUC]
4. One CC to SRI. K. VENUGOPALA CHARY, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK

LS

Handwritten signature

HIGH COURT

DATED:29/10/2022

ORDER

TRCMP.No.233 of 2022



**ALLOWING THE TRANSFER CIVIL
MISCELLANEOUS PETITION**

⑦
17/11/22
HVS