

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

**TUESDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

TR. CIVIL MISC.PETITION NO: 4 OF 2023

Between:

Smt.Suddala @ Macharla Ramyasri, W/o. Rakesh, D/o. Macherla Ramesh, Aged 25 years, Occ. Faculty in NSIC, R/o. C/o.18-64/6, Jhansinagar, Timmapur, H/o. Mannur Village and Mandal, Warangal Urban District

...Petitioner

AND

Suddala Rakesh, S/o. Yadagiri, Aged. 32 Years, Occ. Employee, R/o H.No.9-6-129, Pragathi Nagar, Ramnagar, Karimnagar Town, Mandal and District-505001

...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 Order withdrawal of the F.C.O.P.NO. 121 of 2022 from the court of the Honble Judge, Family Court, Karimnagar and transfer the same to the court of the Honble judge, Family Court, Warangal or to any other competent court as this Honble Court deem fit and proper to try and dispose of the same.

IA NO: 1 OF 2023

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 grant stay of all further proceedings in F.C.O.P.No. 121 of 2022 on the file of the Honble Judge, Family Court, Karimnagar, pending final disposal of the main Transfer Civil Miscellaneous Petition.

Counsel for the Petitioner: SRI. G. ESWARAI AH

Counsel for the Respondent: None Appeared

The Court made the following: ORDER

HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TR.C.M.P.NO.4 of 2023

ORDER :

This is a petition filed by the petitioner under Section 24 of C.P.C. against the respondent, who is her husband with a prayer to transfer F.C.O.P.No.121 of 2022 from Family Court, Karimnagar to Family Court, Warangal.

2. In support of the petition, the petitioner has filed her own affidavit and stated that she is legally wedded wife of respondent and their marriage was performed on 05-02-2020 as per Hindu rites and customs. The parents of the petitioner have presented Rs.40,00,000/- towards dowry and also gave 20 tulas of gold in the shape of ornaments. The respondent is working as Deputy Manager in ICICI Regional Office, Gachibowli, Hyderabad. The petitioner joined the respondent and they have obtained rented house at Kukatpally. They lead happy marital life for 6 months, thereafter, the respondent subjected her to harassment. The parents of the respondent used to visit their house frequently and instigated the respondent to harass her on the ground that she brought less dowry. The petitioner has alleged that the

respondent and his family members subjected her to harassment by demanding additional dowry.

3. During Dussehra Festival of 2020, the sisters and brothers-in-law of the respondent visited the house of respondent and at their instance, the respondent abused the petitioner and necked out her from his house. A panchayat was held in the presence of elders, who advised the respondent to treat the petitioner properly. The petitioner also alleged that there was consistent demand for additional dowry for Rs.20,00,000/- and inspite of her best efforts and efforts of her parents, they could not convince the respondent. Thereby, she has lodged a complaint at Women Police Station, Warangal. A case in Cr.No.3 of 2022 was registered against the respondent and his family members. She has also filed another case under the provisions of Domestic Violence Act and a petition for maintenance and all the cases are pending before the Courts at Warangal.

4. The respondent having suppressed the material facts, filed a petition for restitution of conjugal rights vide F.C.O.P.No.121 of 2022 on the file of Family Court, Karimnagar. The petitioner states that she is suffering from bad health, she cannot travel from Warangal to Karimnagar to attend the said

case. She being a lady cannot undertake journey without any help. She is not in a position to afford the travel expenses. Therefore, she sought for transfer of petition filed by her husband from Karimnagar to Warangal.

5. Notice before admission was ordered but it was returned unserved with an endorsement "unclaimed, returned to sender". The said notice was sent to the address furnished by the petitioner in his petition filed under Section 9 of Hindu Marriage Act. Therefore, it is deemed that the respondent has got knowledge about the case but he did not choose to oppose the petition.

6. Heard the learned counsel for the petitioner.

7. Now the point for consideration is :

Whether there are grounds for transfer of F.C.O.P.No.121 of 2022 from Family Court, Karimnagar to Family Court at Warangal?

8. The petitioner is a legally wedded wife of respondent. As per the material averments made in the affidavit filed in support of the petition, it is quite clear that soon after the marriage, the petitioner joined the respondent and marriage was consummated. The petitioner claims that the respondent and his family members subjected her to harassment for additional dowry. The petitioner further states that she was necked out by the

respondent from her matrimonial home. Therefore, she filed a complaint before police at Warangal. It seems she filed a petition for maintenance and another petition under the provisions of Domestic Violence Act and all these cases are pending on the file of Magistrate Court at Warangal.

9. The respondent filed a petition for restitution of conjugal rights on the file of Family Court, Karimnagar. The petitioner is a house wife without any separate source of income. She claims that she cannot afford the travel for contesting the petition filed by her husband. The learned counsel for the petitioner has submitted that the Hon'ble Apex Court in number of identical cases made an observation that in cases of this nature, interest of the wife shall be given priority. The petitioner claims that she has no means to attend the Court at Karimnagar. It seems she has already filed a petition for maintenance. Since the other cases filed by the petitioner are already pending at Warangal, the request of the petitioner for transfer of the petition filed by the respondent from Karimnagar to Warangal can be considered.

10. In the result, petition is allowed. The F.C.O.P.No.121 of 2022 is transferred from Family Court, Karimnagar to Family

Court, Warangal. The learned Family Court Judge, Karimnagar, is directed to transfer the entire record in F.C.O.P.No.121 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/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judge, Family Court, Karimnagar.
2. The Judge, Family Court, Warangal.
3. One CC to SRI. G ESWARAIAH, Advocate [OPUC]
4. Two CD Copies

PSR



HIGH COURT

DATED:21/02/2023

ORDER

TRCMP.No.4 of 2023



ALLOWING THE PETITION.

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MA
24/2/23