

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TRANS. CIVIL MISC.PETITION NO: 19 OF 2023

Between:

Mrs.D. Shravani, W/o. Mr. D. Praveen Kumar, D/o. Late S. Anantha Swamy,
Aged about 38 years Occ. House Wife, R/o. 17-2-304/14, Nabchawari
Yakutpura, Hyderabad.

...PETITIONER

AND

D. Praveen Kumar, S/o. D. Shankar, Aged about 43 years, Occ. Business,
R/o. H.No.13-77/1, Venkateswara Colony, Sanga Reddy, Sanga Reddy
District.

...RESPONDENT

Petition Under Section 24 of the C.P.C. Praying that in the circumstances stated in the accompanying affidavit, the High Court may be pleased to transfer the H.M.O.P.No.13 of 2018 on the file of the Court of the, Honble Senior Civil Judge, Medak District, at Sangareddy to the Hon'ble Family Court, at City Civil Courts, Hyderabad.

IA NO: 1 OF 2023

Petition under Section 24 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 H.M.O.P.No. 13 of 2018 on the file of the Court of the Hon'ble Senior Civil Judge, Medak District, At Sangareddy pending disposal of the Transfer C.M.P.

Counsel for the Petitioner : Smt. G. NIRAJA

Counsel for the Respondent : Mr. K. ROHIT

The Court made the following: ORDER

HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TR.C.M.P.NO.19 of 2023

ORDER :

This petition is filed by the petitioner-wife against the respondent-husband with a prayer to transfer H.M.O.P.No.13 of 2018 on the file of Senior Civil Judge at Sangareddy to Family Court, City Civil Courts complex, Hyderabad. In support of the petition, the petitioner has filed her own affidavit with the following averments.

2. On receipt of a marriage proposal from the respondent and his family for the marriage of petitioner with the respondent herein, the same was accepted by the mother of petitioner followed by engagement ceremony on 25-08-2012. The petitioner's family paid an amount of Rs.1,00,000/- to the father of the respondent. However, the mother of the petitioner died on 27-09-2012, thereby, the younger sister who was unmarried took the responsibility and performed the marriage of petitioner with the respondent. She has presented a Motor-Bike and paid a sum of Rs.25,000/- to the father of respondent in view of their demand. The marriage was performed on 08-11-2012 at Saidabad. The petitioner joined the respondent, they lead happy marital life for a

short period. But subsequently, the in-laws of the petitioner created disturbances and disputes between the petitioner and respondent.

3. In view of the said disputes, the respondent dropped the petitioner at the house of her sister but on continuous enquiries by the petitioner's sister, the respondent obtained a rented house at Patancheru and occupied the same on 10-12-2014. However, he refused to shoulder the responsibility of the petitioner and failed to provide basic necessities for which the petitioner was forced to depend upon her sister.

4. The petitioner narrated some important incidents wherein she was subjected to harassment by the respondent and his family members and further submitted that she came to know the respondent filed H.M.O.P. No.13 of 2018 before the Senior Civil Judge, Medak seeking dissolution of the marriage. Even after filing the said petition, the respondent approached the petitioner and her sister and requested her to send the petitioner with him. A panchayat was raised before the elders and a document namely Memorandum of Family Settlement was executed in September, 2022. The respondent agreed to take good care of the petitioner and agreed to withdraw H.M.O.P. No.13 of 2018 but he did not withdraw the case and again demanded money to clear his loans.

5. The petitioner further stated that due to the harassment from the respondent, she approached the police, Patancheru and filed a complaint with a request to take action against him. However, the police called the respondent to the police station but no action was initiated against him. The petitioner further states she being unemployed and depending upon her sister cannot attend the case filed by the respondent at Sangareddy, thereby, sought for transfer of divorce case filed by the respondent from Medak to City Civil Court.

6. Notice before admission was ordered. The respondent was served with the notice and he has engaged an Advocate but neither he appeared before the Court nor he filed counter disputing the above stated averments. There was no representation by or on behalf of the respondent.

7. Heard learned counsel for the petitioner.

8. Now the point for consideration is :

Whether there are grounds for considering the request of the petitioner and to transfer H.M.O.P.No.13 of 2018 from Sangareddy to Hyderabad?

9. The petitioner and respondent are wife and husband. There is no dispute about the marriage. The respondent filed H.M.O.P.No.13 of 2018 petition for dissolution of their marriage. The petitioner and respondent hardly lived a short period in the

wedlock and it seems there were disputes between the couple. In the petition filed for divorce, the respondent has categorically stated that petitioner left the respondent and went to her sister's place number of times without any intimation and did not return back till today. On the other hand, the petitioner claims that the respondent refused to shoulder her responsibility, thereby, she was forced to depend upon her sister. The petitioner further claims that the respondent and his family members subjected her to harassment, thereby, she lodged a complaint at Police Station.

10. As per the description in the cause title, the petitioner is an unemployee and residing at her sister's house. If she has to contest the divorce petition at Sangareddy, she has to take help of her sister who is working as a Lecturer on every date of hearing. The respondent did not raise any serious objection to the request made by the petitioner herein. In the light of the observations made by the Hon'ble Apex Court in number of similar cases, the interest of the petitioner being a lady needs to be protected. Therefore, the petition is liable to be allowed.

11. In the result, petition is allowed. The H.M.O.P. No.13 of 2018 is transferred from Senior Civil Judge Court, Sangareddy, to Family Court, City Civil Court, Hyderabad. The learned Senior Civil Judge, Sangareddy, is directed to transfer the entire record in

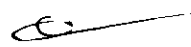
H.M.O.P. No.13 of 2018 by duly indexing the same within two (2) weeks from the date of receiving the order under due intimation to the respondent.

Consequently, Miscellaneous applications if any, are closed.

No costs.

Sd/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Senior Civil Judge, Medak District, at Sangareddy.
2. The Family Court, at City Civil Courts, Hyderabad
3. One CC to Smt. G. NIRAJA, Advocate [OPUC]
4. One CC to Mr. K. ROHIT, Advocate [OPUC]
5. **Two CD Copies**

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HIGH COURT

SSRN,J

DATED:10/04/2023

ORDER

TRCMP.No.19 of 2023



ALLOWING THE TR.C.M.P.

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