

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

**THURSDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

TRANS. CIVIL MISC.PETITION NO: 300 OF 2022

Between:

Kommarajula Rupasri @ Shetti Shyamala, W/o.Kommarajula Komuraiah @ Kumar, D/o.Late Shetti Malliah, Aged about 32 years, Occ. Govt. Employee in Panchayat Raj Rural Development Office, R/o.H.No.1-92/1, Peddalingapoor village, Ellanthakunta Mandal, Rajanna Sircilla District, presently R/o.H.No.3-6-120, Urban Hall Line, Office of the Commissioner, Panchayath Raj and Rural Development Office, Himayathnagar, Hyderabad.

...PETITIONER/RESPONDENT

AND

Kommarajula Komuraiah @ Kumar, Yellaiah, aged about 29 years, Occ. Private Employee, R/o .H.No .1-92/1, Peddalingapoor village, Ellanthakunta Mandal, Rajanna Sircilla District.

...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 withdraw the HMOP.No.62 of 2022 on the file of the Court of Senior Civil Judge at Sircilla and transfer to the Court of Senior civil Judge Court, City Civil Courts Complex, Hyderabad.

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 of all further proceedings in HMOP No.62 of 2022 on the file of the Court of Senior Civil Judge at Sircilla.

Counsel for the Petitioner : SRI SHAIK ANEEF PASHA

Counsel for the Respondent : None appeared

The Court made the following: ORDER

HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TR.C.M.P.NO.300 of 2022

ORDER :

This is a petition filed by the petitioner-wife against the respondent-husband under Section 24 of C.P.C. r/w 151 C.P.C. with a prayer to transfer the **Restitution of conjugal rights** filed by the respondent-husband vide H.M.O.P.No.62 of 2022 on the file of Senior Civil Judge, Sircilla and transfer the same to City Civil Courts Complex, Hyderabad.

2. In the affidavit filed in support of the petition, the petitioner has stated that her marriage was performed with the respondent on 26-05-2019 as per Hindu Rituals and as per their caste customs. The parents of the petitioner have paid Rs.5,00,000/- and gold ornaments to the respondent and she joined the respondent and lead happy marital life for sometime. She was blessed with a baby boy on 10-08-2021. The petitioner states that the respondent and his family members harassed her for additional dowry and she has informed the said demand to her parents, who in turn raised a panchayat before elders but there was no use. The petitioner claims that she is working in Panchayat Raj Department and staying at Hyderabad along with the

respondent but the respondent without any intimation left her at Hyderabad and lodged a petition seeking **Restitution of Conjugal Rights**. The petitioner has also stated that respondent has no other job, there was continuous harassment from the respondent and his family members.

3. The petitioner has further submitted that the place of her employment is at a distance of 117 kilometers from Sircilla, she is not in a position to attend the Court by traveling such a long distance. She has to discharge her duties at Hyderabad. Therefore, she prayed for transferring the H.M.O.P.No.62 of 2022 from Sircilla to Hyderabad.

4. A notice was ordered against the respondent. Proof of service filed. There is no representation for the respondent. The respondent was set *ex parte*.

5. Heard the learned counsel for the petitioner.

6. Now the point for consideration is :

Whether there are grounds for transfer of H.M.O.P.No.62 of 2022 from Sircilla to Hyderabad?

7. The petitioner is no other than the wife of respondent herein. According to the description shown in the petition, she is an employee in Panchayat Raj Department and now staying at Hyderabad. The petitioner claims that she and her husband last

resided at Hyderabad but without leaving any intimation, the respondent left her at Hyderabad and filed **Restitution of Conjugal Rights** at Sircilla. The petitioner further claimed that the respondent and his family members subjected her to harassment with the demand of additional dowry. The respondent who was served with the notice did not choose to oppose the above application. The petitioner claims that the distance between Sircilla to Hyderabad is about 117 kilometers and she being an employee cannot attend the Court for defending the **Restitution of Conjugal Rights** at Sircilla. The material averments made by the petitioner prima-facie shows that it would be very difficult for the petitioner to attend the Court at Sircilla while discharging duties at Hyderabad. She being a lady without any assistance may not be able to travel from Hyderabad to Sircilla only for the sake of defending the case. In view of the observations made by the Hon'ble Apex Court in matrimonial matters interest of the lady should be protected, I feel it is a fit case for transfer of petition filed by the respondent vide H.M.O.P.No.62 of 2022 from Senior Civil Judge, Sircilla to Senior Civil Judge Court, City Civil Court Complex, Hyderabad.

8. In the result, petition is allowed. H.M.O.P.No.62 of 2022 is withdrawn from Senior Civil Judge Court, Sircilla and transfer to Senior Civil Judge Court, City Civil Courts Complex, Hyderabad. The learned Senior Civil Judge Court, Sircilla is directed to transfer the entire record in H.M.O.P.No.62 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.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

NOTE: This order is amended as per The Court Order dt: 16/3/23 made in I.A. No. 1 of 2023, at Para Nos.1 and 7 of the Order it is Corrected as "Restitution of Conjugal Rights" instead of "Divorce Petition".
This Order substitutes earlier order which was dispatched on dt: 14/02/2023. At Para 2 in the place of "Divorce at Sircilla" it is corrected as "Restitution of Conjugal Rights."

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Senior Civil Judge, City Civil Courts Complex, Hyderabad.
2. The Senior Civil Judge, Sircilla, Karimnagar District(Erstwhile District).
3. Kommarajula Komuraiah @ Kumar, R/o .H.No .1-92/1, Peddalingapoor village, Ellanthakunta Mandal, Rajanna Sircilla District.
4. One CC to Sri SHAIK ANEEF PASHA, Advocate [OPUC]
5. Two CD Copies.

Njb

HIGH COURT

SSRN,J

DATED:05/01/2023
16/03/20213

AMENDED ORDER
TRCMP.No.300 of 2022



ALLOWED.

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