IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No: 150 of 2024

Between:

Smt. Chalasani Indravelli, W/o. Kadali Srihari, D/o. Late Chalasani Sambasiva Rao, Age: 41 years, Occ: private employee C/o. SEW infrastructure Limited, 4th Floor, Flat No. 403 C/o. Suraj Mansion Building, Greenland Road, Opp. Lal Banglow, Ameerpet, Hyderabad 500 016.

...Petitioner/Respondent

AND

Kodali Srihari, S/o. K. Ravindar Prasad, Age: 52 years, Occ: private employee R/o. Plot No. 17/A, Sainath Colony, Sai Nagar Colny, Kushaiguda, Hyderabad.

...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 and transfer the FCOP No. 925 of 2023 pending on the file of court of the Hon'ble Principal District and Sessions Judge-cum-Family Court Judge, Medchal, Malkajgiri District transfer the same to the court of II Additional Family Court Judge, Kalpatharuvu, Hyderabad wherein the MC No.32 of 2024 and DVC No. 460 of 2023 are pending in the interest of justice.

IA NO: 1 OF 2024

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 FCOP No. 925 of 2023 pending on the file of court of the Hon'ble Principal District and Sessions Judge cum-Family Court Judge, Medchal, Malkajgiri District, pending disposal of main Tr CMP.

Counsel for the Petitioner: Smt. D. Nageswari

Counsel for the Respondent: Sri Banda Sai Kiran

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No.150 of 2024

ORDER:

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, by the petitioner to transfer F.C.O.P.No.925 of 2023 pending on the file of the learned Principal District and Sessions Judge-cum-Family Court Judge, Medhcal, Malkajgiri District to the file of the learned II Additional Family Court Judge, Kalpatharuvu, Hyderabad.

2. The brief facts of the case are that the marriage between the petitioner and the respondent was solemnized on 17.08.2006. After marriage, they lived happily for some time, thereafter, the disputes arose between them, as such, the petitioner and the respondent are residing separately. Further, the petitioner filed M.C.No.292 of 2016 before the Family Court, Hyderabad. Thereafter, the daughter of the petitioner filed D.V.C.No.460 of 2023 and the same is pending before the Metropolitan Magistrate, Hyderabad. During the pendency of the M.C and D.V.C, the respondent-husband filed F.C.O.P.No.925 of 2023 seeking decree of divorce.

3. Heard Smt. D. Nageswari, learned counsel appearing on behalf of the petitioner as well as Sri Banda Sai Kiran, learned counsel appearing on behalf of the respondent.

4. The learned counsel for the petitioner submitted that the petitioner has multiple cases pending, including MC and DVC cases at the Kalpatharuvu Complex, Hyderabad, and an F.C.O.P case pending at Medchal. Due to the difficulty in attending proceedings at multiple locations, the petitioner requests that F.C.O.P.No.925 of 2023 be transferred from the Principal District and Sessions Judge-cum-Family Court Judge, Medchal, Malkajgiri District to the II Additional Family Court Judge, Kalpatharuvu, Hyderabad. The counsel argued that this transfer will not prejudice the respondent, who is already attending Court proceedings in the MC and DVC cases at Hyderabad.

5. Learned counsel for the respondent filed a counter affidavit, stating that the petitioner has not provided any valid reasons for transferring F.C.O.P. The case is already at the evidence stage, with P.W.1 having filed a chief affidavit, and is pending for document marking. Transferring the case to the Kalpatharuvu Complex at this stage would cause delay in disposal. Moreover, the petitioner resides at Ameerpet, which is only 17 km away from the Court, and within the city limits, making it easily accessible.

Therefore, the respondent prayed for the petition to be dismissed, citing a lack of grounds for transfer.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it is clear that the MC and DVC cases are pending at Kalpatharuvu Complex, Hyderabad, and the respondent is also attending the proceedings in the said cases. At this stage, it is pertinent to note that in respect of transfer of proceedings of a matrimonial dispute, the convenience of the wife is to be preferred over the convenience of husband, as held by the Hon'ble Apex Court in the case of **Rajani Kishor Paradeshi Vs. Kishore Babulal Paradeshi**[1] and **Sumita singh Vs. Kumar Sanjay and another**[2]. Hence, this Court is of the opinion that sufficient grounds are made out on facts and in law to accept the plea of the petitioner/wife to transfer F.C.O.P.No.925 of 2023 pending on the file of the learned Principal District and Sessions Judge-cum-Family Court Judge, Medhcal, Malkajgiri District to the file of the learned II Additional Family Court Judge, Kalpatharuvu, Hyderabad.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.925 of 2023 stands transferred from the learned Principal District and Sessions Judge-cum-Family Court

[1] (2005) 12 SCC 237
[2] AIR 2002 SC 396

Judge, Medhcal, Malkajgiri District to the learned II Additional Family Court Judge, Kalpatharuvu, Hyderabad. The Court concerned is hereby directed to transmit the entire case file relating to F.C.O.P.No.925 of 2023, after duly indexed, within a period of One (1) month from the date of receipt of a copy of this Order, under intimation to the other side. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

Sd/- N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District and Sessions Judge-cum Family Court Judge, Medchal, Malkajgiri District
2. The II Additional Family Court Judge, Kalpatharuvu, Hyderabad
3. One CC to Smt. D. Nageswari, Advocate [OPUC]
4. One CC to Sri Banda Sai Kiran, Advocate [OPUC]
5. Two CD Copies

kam/DL

HIGH COURT

DATED:27/11/2024



ORDER

TRCMP.No.150 of 2024

ALLOWING TRCMP

(7)

KP
6/1/25