

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K.SUJANA

TRANS. CIVIL MISC.PETITION NO: 217 OF 2023

Between :

Neeli @ Doli Divya, W/o.Susheel Kumar, D/o.Doli Rambabu, Aged-25 years,
Occ. House wife, R/o. H.No.73-16,3 Zone, Mandamarri, Kalyani Khani,
Mancherla District.

...Petitioner/s

AND

Neeli Suheel Kumar, S/o. Late Srinivas , Aged 26 Years, Occupation.
Employee in SRR Temple Vemulawada, R/o. H.No. 9-70, Parvathipuram,
Vemulawada, Rajanna Sircilla District.

...Respondent/s

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 divorce petition filed by respondent vide H.M.O.P. No. 21 of 2022 on the file of The Court of Senior Civil Judge, Vemulawada, to The Court of the Principal Senior Civil Judge at Mancherla District.

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 stay all further proceedings including appearance of the petitioner herein H.M.O.P.No. 21 of 2022 on the file of The Court of Senior Civil Judge, Vemulawada, pending disposal of transfer CMP in the interest of justice.

Counsel for the Petitioner : Sri Katika Ravinder Reddy

Counsel for the Respondent : None appeared

The Court made the following : ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No.217 of 2023

ORDER:

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, by the petitioner to transfer H.M.O.P.No.21 of 2022 pending on the file of the Senior Civil Judge, Vemulawada, to the file of the Principal Senior Civil Judge at Mancherial District.

2. The brief facts of the case are that the marriage between the petitioner and the respondent was solemnized on 16.12.2016. After marriage, they lead their marital life for some period and thereafter, disputes arose between them, as such, respondent-husband filed H.M.O.P.No.21 of 2022, pending on the file of the Senior Civil Judge, Vemulawada. The Petitioner filed a complaint against the respondent and after filing of charge sheet, the same is pending before the I Additional Judicial First Class Magistrate at Mancherial. Later, the petitioner filed D.V.C.No.23 of 2021 before the I Additional Judicial Second Class Magistrate at Mancherial.

3. Heard Sri Katika Ravinder, learned counsel appearing on behalf of the petitioner. Though notice was served upon the respondent, none appeared on his behalf.

4. Learned counsel for the petitioner submitted that the petitioner is residing at Mandamarri, Mancherial District, in her parent's house, she is unemployed, having no financial independence, as such, it is difficult to attend the proceedings in H.M.O.P.No.21 of 2022 pending on the file of the Senior Civil Judge, Vemulawada, on each and every date of adjournment. Therefore, he prayed the Court to transfer H.M.O.P.No.21 of 2022 to the file of Principal Senior Civil Judge at Mancherial District.

5. In the light of the submissions made by the learned counsel for the petitioner and a perusal of the material available on record, it is clear that the petitioner is unemployed and she is dependent on her parents. 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 H.M.O.P.No.21 of 2022 from the file of the Senior Civil Judge,

¹ (2005) 12 SCC 237

² AIR 2002 SC 396

Vemulawada, to the file of the Principal Senior Civil Judge at Mancherial District.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The H.M.O.P.No.21 of 2022 stands transferred from the file of the Senior Civil Judge, Vemulawada, to the file of the Principal Senior Civil Judge at Mancherial District. The Court concerned is hereby directed to transmit the entire case file relating to H.M.O.P.No.21 of 2022, 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.

//TRUE COPY//

Sd/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Court of the Principal Senior Civil Judge at Mancherial District.
2. The Court of Senior Civil Judge, Vemulawada.
3. Neeli Suheel Kumar, S/o. Late Srinivas, Aged.26 Years, Occupation. Employee in SRR Temple Vemulawada, R/o. H.No. 9-70, Parvathipuram, Vemulawada, Rajanna Sircilla District.
4. One CC to Sri Katika Ravinder Reddy Advocate [OPUC]
5. Two CD Copies

Svs/gh

4

HIGH COURT

DATED:28/10/2024

ORDER

TRCMP.No.217 of 2023



ALLOWING THE TRCMP

(7) Copies
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