

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

**TUESDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

TRANS. CIVIL MISC. PETITION NO: 355 OF 2024

Between:

Deva Mounika, W/o. B. Nihal, Aged about 32 years, Occ. Unemployee, R/o. H.No.6-352, TNGOs Colony, Behind Q City, Gachibowli, Serilingampally, Ranga Reddy District.

...PETITIONER(S) *Respondent*

AND

B. Nihal, S/o. Bantaram Someshwar Rao, Aged 32 years, Occ. Software Engineer, R/o. H.No.6-355, TNGOs Colony, Behind Q City, Gachibowli, Serilingampally, Ranga Reddy District.

...RESPONDENT(S) *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 F.C.O.P No.68 of 2024 pending on the file of II Additional Family Court, Ranga Reddy District, At L.B Nagar, and to transfer the same to the VI Addl District and Sessions Judge-Cum-VI Addl Metropolitan Sessions Judge-Cum-Family Court, Ranga Reddy District, at Kukatpally.

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 F.C.O.P No.68 of 2024 pending on the file of II Additional Family Court, Ranga Reddy District, At L.B Nagar, pending disposal of the above transfer petition.

Counsel for the Petitioner: Sri Sridhar Lonkala

Counsel for the Respondent: None Appeared

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No.355 of 2024

ORDER:

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, by the petitioner-wife to transfer F.C.O.P.No.68 of 2024 pending on the file of the learned II Additional Family Court, Ranga Reddy District, L.B.Nagar to the file of the learned VI Addl. District and Sessions Judge – Cum – VI Addl. Metropolitan Sessions Judge – Cum – Family Court, Ranga Reddy District, Kukatpally.

2. The brief facts of the case are that the marriage between the petitioner and the respondent was solemnized on 17.12.2022 at Hyderabad. After marriage, they lived happily for some time, thereafter, the disputes arose between the parties and the family members of respondent harassed her and also she was abused by the respondent. It is further alleged that the petitioner filed MC.No.25 of 2024 before VI Addl. District and Sessions Judge-Cum-VI Addl. Metropolitan Sessions Judge-Cum-Family Court, Ranga Reddy District, Kukatpally and also DVC.No.20 of 2024 on the file of II Addl. Junior Civil Judge-Cum-X Addl. Metropolitan Magistrate, Ranga Reddy District at Kukatpally. It is further

alleged that the petitioner lodged a report before Police and the same was registered as Crime No.11 of 2024 for the offences under Sections 498-A, 504, 506 of Indian Penal Code, 1860 and 4 of Dowry Prohibition Act, 1961 and the charge sheet is also filed and the same is pending before the I Addl. Junior Civil Judge Cum-IX Addl. Metropolitan Magistrate, Kukatpally. All the three cases are pending before the Kukatpally Court. Later, respondent-husband filed F.C.O.P.No.68 of 2024 intentionally to harass her on the file of Family Court, L.B.Nagar, as such, requesting the Court to transfer F.C.O.P.No.68 of 2024 on the file of VI Addl. District and Sessions Judge-Cum-VI Addl. Metropolitan Sessions Judge-Cum-Family Court, Ranga Reddy District and to be tried along with MC.No.25 of 2024.

3. Heard Sri Sridhar Lonkala, 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 living at the mercy of her parents who are old aged, as such, it is difficult to attend the proceedings in F.C.O.P.No.68 of 2024 pending on the file of the learned II Addl. Family Court, L.B.Nagar, on each and every date of adjournment. Further,

there are cases pending against the respondent at Kukatpally Court. Therefore, prayed the Court to transfer F.C.O.P.No.68 of 2024 to the VI Addl. District and Sessions Judge-Cum-VI Addl. Metropolitan Sessions Judge-Cum-Family Court, Ranga Reddy District, Kukatpally.

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 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 F.C.O.P.No.68 of 2024 from the learned II Addl. Family Court, Ranga Reddy District, L.B.Nagar to the file of the learned VI Addl. District and Sessions Judge-Cum-VI Addl. Metropolitan

¹ (2005) 12 SCC 217

² AIR 2002 SC 396

Sessions Judge-Cum-Family Court, Ranga Reddy District, Kukatpally.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.68 of 2024 stands transferred from the II Addl. Family Court, Ranga Reddy District, L.B.Nagar to the file of the learned VI Addl. District and Sessions Judge-Cum-VI Addl. Metropolitan Sessions Judge-Cum-Family Court, Ranga Reddy District, Kukatpally. The Court concerned is hereby directed to transmit the entire case file relating to F.C.O.P.No.68 of 2024, 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/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Family Court, Ranga Reddy District, At L.B Nagar
2. The VI Addl District and Sessions Judge-Cum-VI Addl Metropolitan Sessions Judge-Cum-Family Court, Ranga Reddy District, at Kukatpally.
3. One CC to Sri Sridhar Lonkala, Advocate [OPUC]
4. Two CD Copies

VH/gh

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HIGH COURT

DATED: 05/11/2024

ORDER

TRCMP.No.355 of 2024



ALLOWING TR.CMP

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