

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

**TUESDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

TRANS. CIVIL MISC.PETITION NO: 425 OF 2023

Between:

Vangala @ Pingili Sindhu, D/o. Vangala Ram Reddy, Occ. Private Employee, R/o. H.No.2-11, Somanpalli Village, Chennur Mandal, Mancherial District, T.S.

...Petitioner/Respondent

AND

Pingali Nagaraju @ Raji Reddy, S/o. Pingali Srinivas Reddy, Occ. Private Employee, R/o. H.No. 1-52, Jubilee Nagar (Ramagundam), Regonda Mandal, Jayashankar Bhupalapally District, T.S.

...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 H.M.O.P.No.32 of 2023 on the file of the Court of Senior Civil Judge, Bhupalapally District at Bhupalapally and transfer to the Family Court, at Mancherial;

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 in H.M.O.P.No.32 of 2023 on the file of the Court of Senior Civil Judge, Bhupalapally District at Bhupalapally, pending disposal of the above Transfer CMP.

Counsel for the Petitioner :Sri Rudresh Deshpande

Counsel for the Respondent : Sri Sanjeev Gillela

The court made the Following : Order

THE HONOURABLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No.425 of 2023

ORDER:

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, by the petitioner, who is the wife of the respondent, seeking to transfer H.M.O.P.No.32 of 2023 pending on the file of the learned Senior Civil Judge, Jayashankar Bhupalpally District, to the file of the learned Judge, Family Court, Mancherial.

2. Heard Sri Rudresh Deshpande, learned counsel for the petitioner as well as Sri Sanjeev Gillela, learned counsel for the respondent.

3. The facts of the case are that the marriage between the petitioner and the respondent was solemnized on 24.03.2019 at Jayashankar Bhupalpally District. After the marriage, they lived happily for some time and out of their wedlock, they were blessed with a girl child. Later, the disputes arose between them, as such, the petitioner lodged complaint against the respondent and the case was registered in Crime No.161 of 2023 of Chennur Police Station, Mancherial District, for the offences punishable under Sections 498(A) of the Indian Penal

Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and the same was pending before the Judicial Magistrate of First Class, Chennur. Later, the respondent filed H.M.O.P.No.32 of 2023, under Section 9 of the Hindu Marriage Act, 1955, which is pending before the learned Senior Civil Judge, Bhupalapally at Jayashankar Bhupalpally District, seeking restitution of conjugal rights against the petitioner and all the cases are pending for adjudication.

4. Learned counsel for the petitioner submitted that earlier petitioner is a private employee, due to the disputes between the petitioner and the respondent, the petitioner lost her job. At present, she is unemployed and depending on her parents and residing at her parents' house at Somanapally Village, Chennur Mandal, Mancherial District. She has to take care of her child and has no other source of income to travel more than 120 kms from Mancherial to Bhupalpally on each and every date of adjournment in H.M.O.P.No.32 of 2023. Therefore, prayed this Court to transfer H.M.O.P.No.32 of 2023 to the learned Judge, Family Court, Mancherial.

5. On the other hand, learned counsel for the respondent would submit that there is a threat in the hands of the

petitioner and with their parents. Learned counsel further submitted that the respondent is a private employee and he cannot attend the Court on each and every adjournment and prayed the Court to dispense with the presence of the respondent, whenever his presence is not required.

6. Having regard to the rival submissions made by both the learned counsel and having gone through the material available on record, the petitioner-wife is unemployed and she is depending on her parents and she has to take care of her child and it is difficult to travel from Mancherial to Bhupalpally District on each and every date of adjournment. It is seen that the petitioner-wife filed Criminal Case against the respondent-husband, at Mancherial and he is attending the said case at Mancherial. However, considering the facts and circumstances of the case, this Court deems it fit to transfer H.M.O.P.No.32 of 2023 from the learned Senior Civil Judge, Bhupalpally to the learned Senior Civil Judge, Mancherial instead of Family Court, Mancherial. Learned Senior Civil Judge, Mancherial is directed to dispense with the presence of the respondent, whenever his presence is not

required in H.M.O.P.No.32 of 2023 on an application filed by his counsel.

7. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of transferring the H.M.O.P.No.32 of 2023 from the learned Senior Civil Judge, Bhupalpally to the learned Senior Civil Judge, Mancherial. Learned Senior Civil Judge, Mancherial is directed to dispense with the presence of the respondent herein, whenever his presence is not required in H.M.O.P.No.32 of 2023. The Court concerned is hereby directed to transmit the entire case file relating to H.M.O.P.No.32 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.

Pending Miscellaneous Applications, if any, shall stand closed.

Sd/- K. AMMAJI
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

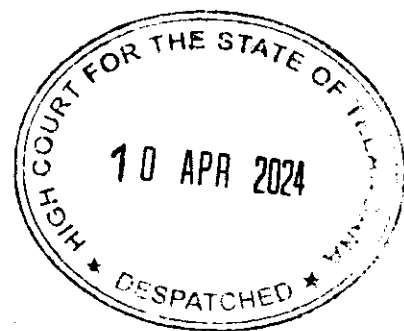
1. The Senior Civil Judge, Bhupalapally District at Bhupalapally.
2. The Family Court, at Mancherial.
3. One CC to Sri Rudresh Deshpande, Advocate [OPUC]
4. One CC to Sri Sanjeev Gillela, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT
DATED:30/01/2024

ORDER

TRCMP.No.425 of 2023



DISPOSING THE TRCMP

(8) VLV
28/3/24