IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

TRANS. CIVIL MISC.PETITION NO: 481 OF 2023

Between:

Smt Athmakuri Ramya @ Vangala Ramya, W/o A. Ramesh, D/o Vangala Brahma Chary, Aged about 29 yrs, Occ. Pvt Employee, R/o H.No. 8-2-613/75/C/411, Road No. 11, Singada Basti, Banjara Hills, Hyderabad - 500034

...Petitioner

AND

Athmakuri Ramesh, S/o Late Ramachandra Murthy Aged about 36 yrs,Occ. Pvt. Teacher, R/o H. No. 11-23-165, LB Nagar, Tilak Road, Warangal - 506002

...Respondent

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 FCOP.NO.49 of 2023 on the file of Judge Family court (II Additional District Judge) Warangal, at Hanumakonda, and transfer the same to the court of Judge I Additional Family court, At Hyderabad.

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 FCOP.NO.49 of 2023 on the file of Judge Family court (II Additional District Judge) Warangal, at Hanumakonda, pending disposal of the present transfer petition.

IA NO: 2 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 extend the interim orders dt: 11-12-2023 passed in I.A No. 1 of 2023 in Tr.CMP. No, 481 of 2023 until further orders.

Counsel for the Petitioner : Sri Vennamraj Venkateshwara Rao
Counsel for the Respondents: None appeared
The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No.481 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 F.C.O.P.No.49 of 2023 pending on the file of the learned Judge, Family Court (II Additional District Judge), Warangal at Hanumakonda, to the file of the learned Judge, I Additional Family Court, Hyderabad.

2. Heard Sri Vennamraj Venkateshwar Rao, learned counsel for the petitioner. Though notice served upon the respondent, none appeared on his behalf.

3. The facts of the case are that the marriage between the petitioner and the respondent was solemnized on 13.06.2012. After the marriage, they blessed with two daughters aged about 10 years and 5 years respectively. Later, the disputes arose between them, as such, the respondent-husband filed F.C.O.P.No.49 of 2023, seeking dissolution of marriage, which is pending before the learned Judge, Family Court, Hanmakonda. Later, petitioner-wife filed M.C.No.375 of 2023,

which is pending before the learned I Additional Family Court, Hyderabad and both the cases are pending for adjudication.

4. Learned counsel for the petitioner submitted that the petitioner is residing at her parents' house at Hyderabad and she cannot travel from Hyderabad to Hanmakonda, Warangal, along with her children, on each and every date of adjournment in F.C.O.P.No.49 of 2023. Learned counsel further submitted that as respondent-husband is attending the proceedings in M.C.No.375 of 2023 in Hyderabad, if F.C.O.P.No.49 of 2023 is transferred from Hanumakonda to Hyderabad, no prejudice will be caused to the respondent-husband. Therefore, she prayed this Court to transfer F.C.O.P.No.49 of 2023 to the learned Judge, I Additional Family Court, Hyderabad.

5. Having regard to the submissions made by the learned counsel for the petitioner and having gone through the material available on record, as the petitioner-wife is depending on her parents, it is difficult to travel from Hyderabad to Hanumakonda, along with her children, on each and every date of adjournment to attend the proceedings in F.C.O.P.No.49 of 2023. Petitioner-wife filed M.C.No.375 of

2023 at Hyderabad and the respondent-husband is attending the said case at Hyderabad. Therefore, this Court deems it appropriate to transfer F.C.O.P.No.49 of 2023 from the file of the learned Judge, Family Court, Warangal at Hanumakonda, to the file of the learned Judge, I Additional Family Court, Hyderabad.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.49 of 2023 stands transferred from the file of the learned Judge, Family Court, Warangal at Hanumakonda, to the file of the learned Judge, I Additional Family Court, Hyderabad. The Court concerned is hereby directed to transmit the entire case file relating to F.C.O.P.No.49 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/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judge Family court (II Additional District Judge) Warangal, at Hanumakonda
2. The Court of Judge I Additional Family court, at Hyderabad.
3. One CC to Sri Vennamraj Venkateshwara Rao, Advocate [OPUC]
4. Two CD Copies

HIGH COURT

DATED:02/01/2024

ORDER

TRCMP.No.481 of 2023



ALLOWING THE TRCMP
WITHOUT COSTS

(6) VLV
20/2/24