IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THURSDAY ,THE TENTH DAY OF JULY

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

TRANS. CIVIL MISC.PETITION NO: 271 OF 2024

Between:

Smt. Mallekedi Mamatha, W/o. Dadugulla Prashanth Kumar, Age. 28 years, Occ. House Wife, R/o. H.No. 02-23, Kalvarala Village, Pandal Mandal, Nagarkurnool District, Telangana-509385.

...PETITIONER

AND

Dandgula Prashanth Kumar,, S/o. D.Thirupathaiah, Age. 30 years, Occ. Private Employee, R/o. H.No 02-23, Kalvarala Village of Pangal Mandal, P/R at H.No.03-264, Adithyanagar, Hafeezpet, Serilingampally Mandal, Ranga Reddy District, Telangana.

...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 transfer F.C.O.P.No. 531/2023 pending before the Court of the Honourable VI Addl. District and Sessions Judge Cum Family Court Judge, Ranga Reddy District at Kukatpally, to the file of The Nagarkurnool .

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 stay all further proceedings in F.C.O.P.No. 531/2023 pending before the Court of the Honourable VI Addl. District and Sessions Judge Cum Family Court Judge, Ranga Reddy District at Kukatpally, including the appearance of the Petitioner.

Counsel for the Petitioner :SRI. BANDARU HIMA VARSHINI

Counsel for the Respondents: none

The Court made the following: ORDER

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

TRANSFER CIVIL MISCELLANEOUS PETITION No.271 of 2024

ORDER:

This Transfer Civil Miscellaneous Petition is filed seeking to transfer FCOP.No.531 of 2023 pending on the file of the VI Additional District and Sessions Judge-cum-Family Court Judge, Ranga Reddy District, to the Court of Senior Civil Judge at Nagarkurnool.

2. Heard Sri G.Naresh, learned counsel representing Ms.B.Hima Varshini, learned counsel on record for the petitioner. Notice sent to the respondent to the address mentioned in the FCOP, was returned as 'door locked'. Notice sent to the counsel appearing for the respondent was served. However, there is no representation on behalf of the respondent. Therefore, the matter is being disposed off basing on the material on record.

3. The brief facts of the case, shorn-off unnecessary details, required for adjudication of this Tr.C.M.P., are that the petitioner and respondent are wife and husband and their marriage was performed on 03.10.2016 at Arya Samaj, Secunderabad, as per Hindu rites and customs; that both lived together at MIG Serlingampally and they were blessed with a girl child on 23.10.2021; that thereafter, the respondent started harassing the petitioner

for dowry and ultimately the respondent necked out the petitioner from the matrimonial house. At the intervention of elders they lived together for sometime at petitioner's parents' house; however, the respondent later started harassing the petitioner. The respondent and his parents did not turn back to take the petitioner and her daughter to their house. The respondent filed FCOP.No.531 of 2023 before the VI Addl.District and Sessions Judge-cum-Family Court Judge, Ranga Reddy District at Kukatpally, seeking dissolution of marriage against the petitioner; and that the petitioner filed maintenance case vide MC.No.7 of 2024 before the II Additional Judicial Magistrate of First Class, Nagarkurnool. It is averred that the petitioner is dependent on her parents who are financially very weak and further the petitioner cannot travel from Nagarkurnool to Kukatpally, a distance of approximately 100 Kms., on each date of hearing along with her minor child and hence, prayed to allow the Tr.CMP.

4. Learned counsel for the petitioner apart from reiterating the averments made in the affidavit submitted that respondent is appearing in the aforesaid MC pending before the II Addl.Judicial Magistrate of First Class, Nagarkurnool and therefore, no inconvenience or prejudice would be caused to the respondent if FCOP.No.531 of 2023 is transferred as sought for and in fact, it would be convenient to both the parties if the relief sought

for in this case is granted and accordingly, prayed this Court to allow this Tr.CMP.

5. It is relevant to refer to the underlying principle governing the proceedings under Section 24 of the CPC seeking transfer of the case, appeal or other proceedings, which is enunciated by the Hon'ble Supreme Court in a catena of judgments and the same was followed by various High Courts.

6. The Hon'ble Supreme Court in ***NCV Aishwarya Vs. A.S.Saravana Karthik Sha***[1] held as follows:

> *" The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio- economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."*

[1] 2022 SCC Online SC 1199

7. The principle of law laid down by the Hon'ble Supreme Court in ***N.C.V.Aishwarya's case (3rd cited supra)***, has been reiterated by the High Court of Bombay in ***Devika Dhiraj Patil Nee Devika Jayprakash Buttepatil v. Dhiraj Sunil Patil***[2], and observed as under:-

> *"In a country like India, important decisions such as marriage, divorce are still taken with the guidance and blessings of elders in the family. For a lady to travel alone for the proceedings to a Court where the fate of her marriage is going to be decided without any family member would definitely be a matter of concern and cause not only physical inconvenience but also emotional and psychological inconvenience."*

8. Further, the High Court of Bombay in ***Priyanka Rahul Patil v. Rahul Ravindra Patil***[3] followed the principle laid down in ***N.C.V.Aishwarya's*** case (3rd cited supra) and ***Devika Dhiraj Patil Nee Devika Jayprakash Buttepatil's*** case (4th cited supra), and held as follows:-

> *"The underlying principle governing the proceedings under Section 24 of the CPC, is that convenience of the wife is to be preferred over the convenience of the husband."*

9. Thus, there are catena of decisions of the Hon'ble Supreme Court and other High Courts to the effect that in matrimonial matters/disputes, while considering the application for transfer of the

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[2] (2023 SCC OnLine Bom 1926)
[3] (2023 SCC OnLine Bom 1982)

proceedings from one Court to another Court, the Courts must give preference to the convenience of the wife over the convenience of the husband.

10. A perusal of record would disclose that the Tr.CMP is filed on the ground that the petitioner is residing with her parents at Nagarkurnool and she is dependent on her parents who are financially very weak. Further, she has to take care of her minor girl child aged four years and the distance between Nagarkurnool to Kukatpally is 100 kms.; and that it would be quiet difficult for her to travel all the way from Nagarkurnool to Kukatpally, to attend the Court proceedings on each date of hearing in FCOP.No.531 of 2023. Further, it is also not in dispute that the respondent is appearing before the Court at Nagarkurnool in connection with the aforesaid MC.

11. For the foregoing reasons and further, in view of the underlying principle enunciated by the Hon'ble Supreme Court and various other High Courts in the aforesaid judgments that the convenience of the wife has to be given priority/preference over the convenience of the husband, this Court finds that the grounds urged by the petitioner seeking transfer of the FCOP are justifiable and therefore, this Tr.CMP deserves to be allowed.

12. Accordingly, this Tr.C.M.P. is allowed and FCOP.No.531 of 2023, pending on the file of the VI Additional District and Sessions Judge-cum-Family Court Judge, Ranga Reddy District is transferred to the Court of Senior Civil Judge at Nagarkurnool, for disposal in accordance with law.

13. The VI Additional District and Sessions Judge-cum-Family Court Judge, Ranga Reddy District, shall transmit the entire original record in FCOP.No.531 of 2023, duly indexed, to the Senior Civil Judge at Nagarkurnool, preferably within a period of one month from the date of receipt of a copy of this order.

Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Sd/- V. KAVITHA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional District and Sessions Judge cum Family Court Judge, Ranga Reddy District at Kukatpally.
2. The 2nd Senior Civil Judge at Nagarkurnool.
3. One CC to SRI. BANDARU HIMA VARSHINI Advocate [OPUC]
4. One CC to SRI. Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:10/07/2025



ORDER

TRCMP.No.271 of 2024

ALLOWING THE TRANSFER C.M.P.

Copied
13/8/25