

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

FRIDAY, THE TWENTY NINTH DAY OF MAY  
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER**

**TRANS. CIVIL MISC. PETITION NO: 40 OF 2020**

**Between:**

Smt. S Deepika,, Occ Pvt. Employee, R/o H.No. 18-5-667/B, Allyabad, Hyderabad.

**...PETITIONER(S)**

**AND**

Sri V. Shiva Kumar, S/o SRI V. Srinivasulu S/o Anjaneyulu Occ Computer Professional,  
R/o H.No 6-41, Bachannapet, Warangal District

Rep by GPA Holder SRI V. Srinivasulu S/o Anjaneyulu R/o H.No 6-41, Bachannapet,  
Warangal District Vide Court Oder Dated 10-03-2020 IA 2 of 2020

**...RESPONDENT**

Petition Under Section 24 of the C.P.C. Praying that in the circumstances stated in the affidavit filed there with, the High Court may be pleased to withdraw HMOP No 90 of 2019 on the file of the Hon'ble Senior Civil Judge, at Jangaon, Warangal and transfer the same to the Hon'ble Family Judge, City Civil Court , At Hyderabad to try along with OP No 236 of 2020

**IA NO: 1 OF 2020**

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 proceeding in HMOP No 90 of 2019 on the file of the Hon'ble Senior Civil Judge, at Jangaon, Warangal

**IA NO: 2 OF 2020**

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 amend the cause-title in Tr. C.M.P. No 40 of 2020 by adding the name and details of the GPA holder of the Respondent herein as V. Srinivasulu, S/o Anjaneyulu, Age. 47 yrs, Occ. Business, R/o H.No 6-41, Bachannapet, Jangaon, Warangal District in the cause-title on the file this Honble Court

**Counsel for the Petitioner: M/s VLADIMEER KHATOON**

**Counsel for the Respondent: SRI GANESH BHUJANGA RAO VADDURI**

**The Court made the following: ORDER**

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**TRANSFER CIVIL MISCELLANEOUS PETITION No.40 of 2020**

**ORDER:**

This Transfer Civil Miscellaneous Petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/wife, requesting to withdraw HMOP No.90 of 2019 from the file of Senior Civil Judge, at Jangaon, Warangal, and transfer the same to the file of Judge, Family Court, City Civil Court, Hyderabad, for trial and disposal along with OP No.236 of 2020, in accordance with law.

2. Heard learned counsel for the petitioner/wife and perused the record. There is no representation for the respondent/husband today and also on the last date of occasion.

3. Learned counsel for the petitioner/wife submitted that there are two O.Ps i.e, HMOP No.90 of 2019 and OP No.236 of 2020. HMOP No.90 of 2019 is filed by the respondent/husband under Section 13(1)(ia)(ib) of Hindu Marriage Act, before the Senior Civil Judge, at Jangaon, Warangal, seeking dissolution of marriage, whereas O.P.No.236 of 2020 is filed by the petitioner/wife under Section 9 of H.M.Act before the Judge, Family Court, City Civil Court, Hyderabad, seeking restitution of conjugal rights. It is submitted that to have consistency and to avoid conflicting orders and also for better understanding of the lis, both the OPs are required to be disposed of by one Court and ultimately prayed to withdraw HMOP No.90 of 2019 from the file of the Senior Civil Judge, Jangaon, Warangal, and transfer the same to the file of

Judge, Family Court, City Civil Court, Hyderabad, for trial and disposal along with O.P.No.236 of 2020.

4. As seen from the material placed on record, HMOP No.90 of 2019 is filed by the respondent/husband under Section 13(1)(ia)(ib) of Hindu Marriage Act, before the Senior Civil Judge, at Jangaon, Warangal, seeking divorce, whereas O.P.No.236 of 2020 is filed by the petitioner/wife under Section 9 of H.M.Act before the Judge, Family Court, City Civil Court, Hyderabad, seeking restitution of conjugal rights. It is relevant to state that Section 19 of the Hindu Marriage Act, 1955, has been amended in the year 2003, by insertion of proviso (iii)(a). The amended Section 19(iii)(a) of the Act gives special preference to the wife to file a petition and prosecute the same, before the Court within whose jurisdiction she resides. Law is well settled that in the cases of this nature, convenience of the wife is of paramount importance. The petitioner/wife is residing at Hyderabad and certainly, her attendance before the Court at Warangal causes inconvenience to her. She has to travel from Hyderabad to Warangal, i.e., around 150 kilometres. Though small inconvenience may be caused to the respondent/husband in attending the Court at Hyderabad, the convenience of the wife should be preferred and shall prevail over the inconvenience, if any, which may be caused to the husband.

5. In the given circumstances of the case, it would be appropriate if HMOP No.90 of 2019 filed by the respondent/husband before the Senior Civil Judge, Jangaon, Warangal, is withdrawn and transferred to the file of Judge, Family Court, City Civil Court, Hyderabad, to avoid inconsistency and conflicting decisions and for

better understanding of the *lis* and also to save the valuable time of the Court.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed and HMOP No.90 of 2019 is withdrawn from the file of the Senior Civil Judge, Jangaon, Warangal, and transferred to the file of Judge, Family Court, City Civil Court, Hyderabad, for trial and disposal, in accordance with law. If the Court chooses to club both the OPs i.e, HMOP No.90 of 2019 and OP No.236 of 2020, it can do so.

Miscellaneous petitions, if any, pending in this Transfer CMP,

**SD/- K. AMMAJI  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Senior Civil Judge, at Jangaon, Warangal District
2. The Judge, Family Court, City Civil Court, Hyderabad
3. One CC to M/s VLADIMEER KHATOON Advocate [OPUC]
4. One CC to SRI GANESH BHUJANGA RAO VADDURI Advocate [OPUC]
5. Two CD Copies

*Handwritten signature/initials*

HIGH COURT

DATED:29/05/2020



ORDER

TRCMP.No.40 of 2020

ALLOWING TRANSFER CMP WITHOUT COSTS

⑥  
4/6/20  
HVS