

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

TRANSFER CIVIL MISCELLANEOUS PETITION NO: 363 OF 2022

Between:

Smt. Bandi Kanuganti Sruthi, W/o Sri Vijay Kumar Badri, D/o Sri Muthaiah, aged about 31 years. Occ.Housewife, R/o 2-5-130/1-B, Kurmawada, Jangaon Town and District.

...PETITIONER/ PETITIONER

AND

Bandi Vijay Kumar, S/o late Sri Anjaiah, Aged about 37 years, Occ. Software Engineer, R/o Plot No.G-4, Srinivasa Nilayam Apartment, Santosh Nagar, Hyderabad

...RESPONDENT/ RESPONDENT

Petition Under Section 24 of the C.P.C. Praying that in the circumstances stated in the accompanying affidavit, the High Court may be pleased to withdraw the O.P. No.1039 of 2022 on the file of the court of the Judge, Family Court, City Civil Court, Hyderabad and transfer the same to the Senior Civil Judge, Jangaon in the interest of justice.

I.A. NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the accompanying affidavit, the Hon'ble Court may be pleased to grant stay of all further proceedings in O.P. No.1039 of 2022 on the file of the court of the Judge, Family Court, City Civil Court, Hyderabad pending disposal of the present transfer CMP in the interest of justice.

Counsel for the Petitioner : Sri ASHOK REDDY KANATHALA

Counsel for the Respondent : None appeared

The Court made the following: ORDER

HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

TR.C.M.P.NO.363 of 2022

ORDER :

This is a petition filed by the petitioner under Section 24 of C.P.C. filed with a prayer to withdraw O.P.No.1039 of 2022 from the file of Family Court, Hyderabad and transfer the same to Senior Civil Judge, Jangaon.

2. In support of the petition, the petitioner has filed her own affidavit and submitted that the respondent is her husband, their marriage was performed on 07-06-2015 at Jangaon Town as per Hindu Rites and Customs. It was an arranged marriage. The petitioner joined her husband at Hyderabad and marriage was consummated. They were blessed with two children on 27-08-2016 and 14-08-2019. The petitioner has claimed that at the time of marriage, as per the demand of respondent, her parents presented an amount of Rs.20,00,000/-, 35 tulas of Gold and household articles worth Rs.3,00,000/- and performed the marriage by spending Rs.5,00,000/-. The petitioner states that she hardly lead happy marital life for two months. Thereafter, the respondent started ill-treating her and harassing her by

demanding additional dowry of Rs.5,00,000/-. The petitioner also stated that in view of the harassment by respondent and his family members, an amount of Rs.1,50,000/- was paid towards additional dowry by the parents of the petitioner. The respondent and his family members were silent for a brief period and subsequently again they repeated the same harassment.

3. The petitioner further stated that inspite of the above incidents, the respondent filed a petition under Section 13 (1) (ia) of Hindu Marriage Act and sought for divorce on the ground of cruelty and the said petition was registered as OP.No. 688 of 2018 on the file of Family Court, Hyderabad but at the intervention of the caste elders, the respondent had withdrawn the said petition on receiving Rs.5,00,000/- from the parents of the petitioner but he continued the same harassment.

4. The petitioner having narrated some more similar incidents further submitted that though her son was affected with Covid-19, there was no change in the attitude of respondent and she was subjected to harassment. She was unable to bear the harassment and made an attempt to commit suicide but with the intervention of the neighbors, she was survived. The petitioner filed a petition against the respondent for maintenance vide MC

No.18 of 2021 and sought for interim maintenance. The petition was partly allowed directing the respondent herein to pay Rs.6000/- per month to the petitioner herein and Rs.2000/- each to her children. Whereas, the respondent filed a petition under Sections 7, 10, 25 of Guardians and Wards Act vide G.W.O.P.No.1 of 2022 on the file of Addl. District Judge, Warangal and sought for custody of children. He has filed another petition under Section 9 of Hindu Marriage Act vide O.P.No.1039 of 2022 on the file of Principal Family Court, City Civil Court, Hyderabad for Restitution of Conjugal Rights.

5. The petitioner has further claimed that she is residing at Kurmawada, Warangal. She has no means to maintain herself and her minor children and she has no source of income. If she has to attend the Court at Hyderabad for contesting the petition filed by the respondent, she has to spend huge amounts. The respondent who has already filed G.W.O.P. on the file of District Court, Warangal, attending the said Court for proceeding with the enquiry in his petition. Therefore, if the petition filed by the respondent is transferred from Hyderabad to Jangaon, no prejudice would be caused to the respondent, thereby she prayed for withdrawal of OP.No.1039 of 2022 from Family Court,

Hyderabad and for transfer of the same to Senior Civil Judge, Jangaon.

6. Notice before admission was ordered and the same was served on the respondent. However, the respondent did not choose to attend the court to oppose the said petition.

7. Heard the learned counsel for the petitioner.

8. Now the point for consideration is :

Whether there are grounds for considering the request of the petitioner and to transfer OP No.1039 of 2022 from Hyderabad to Jangaon ?

9. The petitioner herein is a housewife with two minor kids and living away from her husband by taking shelter at her parent's house at Warangal. As per the material averments made in the affidavit filed in support of the petition, it seems there were disputes between the couple since a long time. According to the affidavit filed by the petitioner, it is also clear that there were number of panchayats held at the instance of elders but the respondent was not in a mood to accept the petitioner herein. The petitioner has submitted that once the respondent moved an application for divorce but subsequently not pressed the petition after he was paid Rs.5,00,000/- as additional dowry. She has also claimed that in view of the harassment, more particularly when her

son was affected with Covid, she made an attempt to commit suicide by consuming sanitizer. The petitioner claims that she has no means to attend the court at Hyderabad. As could be seen from the averments made in the affidavit, the respondent had already filed an application seeking custody of the minor children and the same is pending before the Addl. District Court, Warangal.

10. The petitioner moved an application for maintenance and her petition for interim maintenance was partly allowed directing the respondent herein to pay Rs.6000/- to the petitioner and Rs.2,000/- each per month to her children. In view of the above stated circumstances, if the petitioner is supposed to attend the Court at Hyderabad, definitely it will cause hardship apart from financial burden. On the other hand, the respondent being a male person and having filed a petition before the Addl. District Court, Warangal, may not face such a difficulty in attending the Court at Jangaon. Therefore, the request of the petitioner for transfer of petition by the respondent from Hyderabad to Jangaon can be considered.

11. In the result, petition is allowed. The OP.No.1039 of 2022 is transferred from Family Court, Hyderabad to Senior Civil Judge, Jangaon. The learned Family Court Judge, Hyderabad, is

directed to transfer the entire record in OP.No.1039 of 2022 by duly indexing the same within two (2) weeks from the date of receiving the order under due intimation to the respondent.

Consequently, Miscellaneous applications if any, are closed.

No costs.

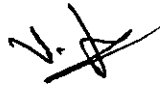
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Sd/- P. GOWRI SHANKAR
ASSISTANT REGISTRAR
GP
SECTION OFFICER

To,

1. The Judge, Family Court, City Civil Court, Hyderabad
2. The Senior Civil Judge, Jangaon
3. One CC to Sri ASHOK REDDY KANATHALA, Advocate [OPUC]
4. Two CD Copies.

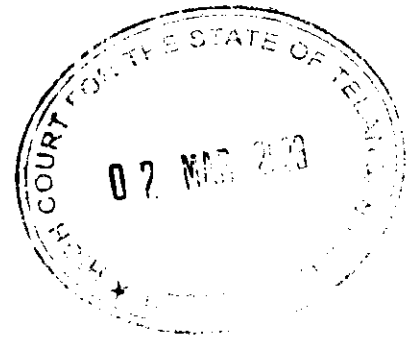
Njb



HIGH COURT

SSRN,J

DATED:28/02/2023



ORDER

TRCMP.No.363 of 2022

ALLOWING THE TRCMP

WITH COSTS.

⑥ VLV
2/3/23