

**THE HONOURABLE SMT. JUSTICE P.SREE SUDHA**

**Tr.C.M.P.No. 64 of 2024**

**ORDER:**

This petition is filed by the petitioner/wife seeking to withdraw H.M.O.P.No.77 of 2023 on the file of the learned Senior Civil Judge Court, Nirmal and transfer the same to the Principal Family Court Judge, R.R.District at L.B.Nagar or Principal Family Court at Hyderabad.

2. It is the case of the petitioner/wife that the respondent/husband had filed H.M.O.P.No.77 of 2023 under Section 13(1) (ia) (ib) of the Hindu Marriage Act, seeking a decree of divorce dissolving the marriage between the petitioner/wife and the respondent/husband and the same is pending. She filed a criminal case under Sections 498-A, 406, 506 of IPC and Section 3 & 4 of Dowry Prohibition Act against respondent and his family members vide Crime No.479 of 2023 dated 18.10.2023 before the WPS Saroornagar, L.B.Nagar. It has been averred that the petitioner/wife is staying with her parents at Hyderabad along with her 2½ year old aged child. Therefore, she finds it difficult to travel all the way from Hyderabad to Nirmal,

to attend the Court on each and every adjournment of H.M.O.P.No.77 of 2023 filed by the respondent/husband, without the assistance of a male person.

3. Heard both sides. Perused the record.

4. In the counter filed by respondent, he stated that petitioner is M.Sc Post graduate in Geology and worked in a private sector. She is residing at Kubeer Mandal of Nirmal District along with her parents and she gave false complaint against him and his family members at WPS Saroornagar showing the jurisdiction of Hyderabad by taking advantage of her brother who is working in GHMC Office as bill collector. As such, the question of travelling from Hyderabad to Nirmal does not arise.

5. Learned counsel for respondent stated that after receiving of the notice, the petitioner gave complaint, as such respondent filed O.P. for divorce. In the O.P., the address of the petitioner herein was given as Nirmal and she received summons to the said address. Learned counsel for respondent stated that after receiving the summons, she came up with the present petition.

6. A Perusal of the record shows that initially respondent gave legal notice for restitution of conjugal rights. It is also further stated that in Telangana State, there is no bus fare for women passengers, as such it is not inconvenient for petitioner. As the both parties are residing at Nirmal, this Court finds that there is no reason to transfer this petition from the Senior Civil Judge Court, Nirmal to the Principal Family Court Judge, R.R.District at L.B.Nagar or Principal Family Court at Hyderabad. The present petition is devoid of merits and is liable to be dismissed.

7. In the result, the Transfer Civil Miscellaneous Petition is dismissed. No order as to costs.

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**JUSTICE P.SREE SUDHA**

**DATE: 25.06.2024**

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