



2025:TSHC:36264
[3383]

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

**TUESDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

TRANS. CIVIL MISC.PETITION NO: 495 OF 2024

Between:

Smt. Puppala @ Chenalla Shravani, W/o Puppala Prema Sagar, Aged 27 years, Occ Staff Nurse, R/o 1- 16, S. C. Colony, Lingapoor Village, Pegadapally Mandal, Jagtial District, Telangana State.

...PETITIONER

AND

Sri. Puppala Prema Sagar, S/o Padma Rao, Aged 33 years, Occ Male Staff Nurse in Government Area Hospital, Nirmal and R/o H. No. 1- 121/38, RTC Colony, Nizamabad.

...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 case in O. P. No. 02 of 2024 from the file of Judge Family Court- cum- III Addl. District and Sessions Judge, Nizamabad and to transfer the same to the Court of Judge, Family Court at Jagtial in the interest of justice.

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 grant stay of all further proceedings in O. P. No. 02 of 2024 on the file of Judge Family Court- cum- III Addl. District and Sessions Judge, Nizamabad during the pendency of the present TRCMP, in the interest of justice.

Counsel for the Petitioner : SRI C. KUMAR

Counsel for the Respondent : PONNAM ANOOP KUMAR

The Court made the following: ORDER



2025:TSHC:36264

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

TRANSFER CIVIL MISCELLANEOUS PETITION No. 495 of 2024

ORDER:

This Transfer Civil Miscellaneous Petition is filed seeking transfer of OP.No.2 of 2024 pending on the file of Judge, Family Court-cum-III Addl.District and Sessions Judge, Nizamabad, to the Court of Judge, Family Court at Jagtial.

2. Heard Sri C.Kumar, learned counsel for the petitioner and Sri Ponnamp Anoop Kumar, learned counsel for the respondent.

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 23.10.2019, at CSI church at Lingapur Village of Pegadapally Mandal of Jagtial District; that soon after marriage, the petitioner joined the matrimonial home with the respondent at Nizamabad; that out of their wedlock they were blessed with a male child; that the respondent along with his parents started harassing the petitioner physically and mentally for additional dowry; that the respondent along with the family members necked out the petitioner from the matrimonial home; that since then the petitioner is residing with her parents; that the petitioner unable to bear mental and physical torture, approached the Police, Pegadapally, and lodged complaint and Crime No.72 of 2022 was registered under Sections 498-A of IPC & Section 4 of Dowry Prohibition Act; that the



Police after conducting investigation filed charge-sheet against the respondent and his family members and the same is pending before II Addl.Judicial First Class Magistrate at Jagtial, who took cognizance of the same vide CC.No.1282 of 2022. It is averred that the petitioner also filed a maintenance case vide MC.No.11 of 2023 on the file of II Addl.Judicial Magistrate of First Class at Jagtial and both the cases are pending adjudication.

4. It is averred that the respondent filed OP.No.2 of 2024 on the file of III Addl.District and Sessions Judge, Nizamabad, against the petitioner seeking dissolution of marriage. It is further averred that the petitioner is working as Nurse at Jagtial; that she has to take care of her minor child, therefore, it is difficult for her to travel all the way from Jagtial to Nizamabad along with minor child to attend the Court proceedings in OP.No.2 of 2024. Hence, present Tr.CMP is filed.

5. Learned Counsel for the petitioner apart from reiterating the averments made in the affidavit submitted that the respondent is appearing in two cases filed by her i.e., CC.No.1282 of 2022 and MC.No.11 of 2023 which are pending before II Additional Judicial Magistrate of First Class, Jagtial, therefore, no prejudice would be caused if OP.NO.2 of 2024 filed by the respondent is transferred from Nizamabad to Jagtial; and that in fact, it is convenient for the respondent to appear in all the cases at one place.



6. Learned Counsel for the respondent would submit that the respondent is working as male Staff Nurse in Government Area Hospital at Nirmal and residing at Nizamabad, therefore, in view of his avocation as a Government employee, it is difficult for him to travel from Nizamabad to Jagtial to attend the Court proceedings.

7. 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.

8. 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

¹ 2022 SCC Online SC 1199



wife's convenience which must be looked at while considering transfer."

9. 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."

10. 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."

² (2023 SCC OnLine Bom 1926)

³ (2023 SCC OnLine Bom 1982)



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

12. A perusal of record would disclose that the petitioner filed Tr.CMP on the ground that she is working as a nurse and residing with her parents at Jagtial along with her minor child; and that she has to take care of her minor child, therefore, it is difficult for her to travel from Jagtial to Nizamabad to appear in OP.No.2 of 2024, on each date of hearing along with minor child.

13. In the facts and circumstances of the case 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 OP are justifiable and therefore, this Tr.CMP deserves to be allowed.

14. Accordingly, Tr.C.M.P. is allowed and OP.No.2 of 2024, pending on the file of Judge, Family Court-cum-III Additional District and Sessions Judge, Nizamabad, is transferred to the Court of Judge,



Family Court at Jagtial, for disposal in accordance with law. However, since it is represented by the counsel for respondent that respondent is working as Staff Nurse in Government Area Hospital, Nirmal, the Judge, Family Court, Jagtial shall not insist upon the presence of respondent on each date of hearing unless the presence of respondent is required for adjudication of the matter and recording his evidence.

15. The Judge, Family Court-cum-III Additional District and Sessions Judge, Nizamabad, shall transmit the entire original record in OP.No.2 of 2024, duly indexed, to the Court of Judge, Family Court, Jagtial, 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.

//TRUE COPY//

SD/-L. VIJAYA LAXMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judge Family Court- cum- III Addl. District and Sessions Judge, Nizamabad.
2. The Judge, Family Court at Jagtial.
3. One CC to Sri C. Kumar, Advocate [OPUC]
4. One CC to Sri Ponnamm Anoop Kumar, Advocate [OPUC]
5. Two CD Copies

SR/GR

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2025:TSHC:36264

HIGH COURT

DATED:29/07/2025



ORDER

TRCMP.No.495 of 2024

ALLOWING THE TRANSFER CIVIL MISCELLANEOUS
PETITION

For Res

*by
25/9/25*