

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

**FRIDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

TRANS. CIVIL MISC.PETITION NO: 416 OF 2023

Between:

Smt. B.Vimala @ K.Vimala, w/o B.Vijay Kumar aged about 27 years, occ:
Housewife r/o, H.No. 2-9-749/8, NGOs Colony, Hanamkonda, Waddepally,
Hanamakonda District.

...PETITIONER

AND

B.Vijay Kumar, s/o B.Narsimha, aged about 33 year, Occ: Business, r/o 11-1-
890/a/26, Afzal Sagar, Habeeb Nagar, Hyderabad.

...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 G.W.O.P. No. 890 of 2023 now pending on the file of the Judge, Family Court at Kalpataru, Hyderabad and transfer the same to the court of learned Judge, Family Court at Hanamkonda or Warangal, having competent jurisdiction to try the same, in the interest of justice.

IA NO: 1 OF 2023

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 G.W.O.P.No. 890 of 2023 now pending on the file of the Judge, Family Court at Kalpataru, Hyderabad, pending disposal of the transfer petition, in the interest of justice.

IA NO: 1 OF 2024

Between:

B.Vijay Kumar, s/o B.Narsimha, aged about 33 year, Occ: Business, r/o 11-1-
890/a/26, Afzal Sagar, Habeeb Nagar, Hyderabad.

...PETITIONER/RESPONDENT

AND

Smt. B.Vimala @ K.Vimala, w/o B.Vijay Kumar aged about 27 years, occ: Housewife r/o, H.No. 2-9-749/8, NGOs Colony, Hanamkonda, Waddepally, Hanamakonda District.

...RESPONDENT/PETITIONER

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 vacate the interim order passed in Tr.C.M.P.No. 416 of 2023 dated. 30-10-2023.

Counsel for the Petitioner: SRI. GAJU ANIL KUMAR

Counsel for the Respondent: SRI B ANIL KUMAR YADAV

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

Tr.C.M.P.No.416 OF 2023

ORDER:

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, by the petitioner, who is the wife of the respondent, seeking the Court to transfer G.W.O.P.No.890 of 2023 pending on the file of the learned Judge, Family Court at Kalpataru, Hyderabad, to the file of the learned Judge, Family Court at Hanamkonda or Warangal. F.C.O.P.No.891 of 2023 was filed by the respondent-husband under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 seeking dissolution of marriage.

2. The facts of the case are that the marriage between petitioner and the respondent was solemnized on 06.05.2017. After the marriage, they lead their marital life for some period and they blessed with two children. After that the disputes arose between them, the respondent-husband filed F.C.O.P.No.891 of 2023, pending on the file of the learned Judge, Family Court at Kalpataru, Hyderabad, for dissolution of marriage. Later, petitioner-wife filed G.W.O.P.No.890 of 2023, for the custody of the minor children and also registered a case in Crime No.242 of 2023 for the offences punishable

under Sections 498-A, 506 of Indian Penal Code and Sections 3, 4 of the Dowry Prohibition Act.

3. Heard Sri Anil Kumar Gaju, learned counsel for the petitioner as well as Sri B.Anil Kumar Yadav, learned counsel appearing on behalf of the respondent.

4. Learned counsel for the petitioner would submit that the petitioner is residing with her parents at Hanamkonda and she is dependent on her parents. Learned counsel further submitted that whenever the petitioner is attending the Court at Kalpataru, Hyderabad, the respondent-husband is threatening her, as such, prayed the Court to transfer G.W.O.P.No.890 of 2023 from the file of learned Judge, Family Court at Kalpataru, Hyderabad to the file of learned Judge, Family Court at Hanamkonda or Warangal.

5. On the other hand, learned counsel for the respondent submitted that the said G.W.O.P has to be filed where the minor children are residing as per Section 9 of the Guardian and Wards Act, 1956, as such, the Court at Hanamkonda or Warangal has no jurisdiction to entertain the same.

6. Having regard to the rival submissions made by both the counsel and having gone through the material available on record, since the minor children are not residing in the jurisdiction of Warangal or Hanamakonda District, the Transfer Civil Miscellaneous Petition is liable to be dismissed.

7. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. There shall be no order as to costs.

Pending Miscellaneous Applications, if any, shall stand closed.

//TRUE COPY//

Sd/- B.SARASWATHI
ASSISTANT REGISTRAR
SECTION OFFICER

To

1. The Judge, Family Court at Kalpataru, Hyderabad
2. The court of learned Judge, Family Court at Hanamkonda or Warangal
3. One CC to SRI. GAJU ANIL KUMAR, Advocate [OPUC]
4. One CC to SRI. B ANIL KUMAR YADAV, Advocate [OPUC]
5. Two CD Copies

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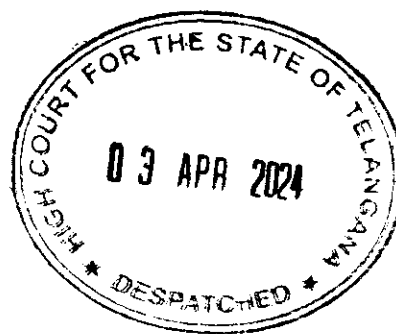
CHR

HIGH COURT

DATED:02/02/2024

ORDER

TRCMP.No.416 of 2023



DISMISSING THE TRCMP

(Signature) CHR 23/02/24