

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Tr.C.M.P. No.203 of 2013

Between:

Goguri Revathi

.. Petitioner

and

Goguri Laxman

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 04.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wishes to see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.203 of 2013

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.93 of 2012 from the file of the Senior Civil Judge, Peddapalli, Karimnagar District and transfer the same to the file of the Senior Civil Judge, Warangal, for disposal in accordance with law.

2. _____ Heard the learned counsel for both the parties and perused the material available on record.

3. _____ The marriage of the petitioner was performed with the respondent on 30.05.2005 at Thakkallapadu village as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a son. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Warangal registered a case in Crime No.21 of 2011 against the respondent and others for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The respondent filed O.P.No.93 of 2012 on the file of the Senior Civil Judge, Peddapalli, Karimnagar District for dissolution of marriage between him and the petitioner.

4. _____ The petitioner has been residing at her parents' house in Thakkallapadu village since 2011 along with her son due to misunderstandings between her and the respondent. It may not be possible for the petitioner to prosecute the case at Peddapalli without the assistance of one of the male members of the family. Invariably, the respondent has to attend the criminal Court at Warangal in view of pendency of criminal case. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be

caused to the parties to the proceedings more particularly to the wife and children.

5. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay and another**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that the relief sought by the petitioner deserves to be allowed.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.93 of 2012 is withdrawn from the file of the Senior Civil Judge, Peddapalli, Karimnagar District and transferred to the file of the Senior Civil Judge, Warangal, for disposal in accordance with law. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 04.08.2015

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^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396