

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.439 of 2013

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.107 of 2013 from the file of the Senior Civil Judge, Nizamabad and transfer the same to the file of the Judge, Family Court, Karimnagar for disposal in accordance with law.

2. The facts leading to filing of the present petition, in brief, are as follows:

The marriage of the petitioner was performed with the respondent on 10.11.2005 at Karimnagar as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent for a short period at Nizamabad to lead happy marital life. The petitioner and the respondent lived together for some time at Bodhan and Karimnagar. Out of the lawful wedlock, the petitioner and the respondent were blessed with a son. Unfortunately, bad weather prevailed in the family life of the petitioner and the respondent. On 30.10.2011, the petitioner lodged a complaint to the Station House Officer, Karimnagar II-Town Police Station, who in turn registered a case against the respondent for the offence punishable under Section 498-A I.P.C. At the advice of the elders, both the parties amicably settled the disputes between them. On 06.10.2012, again the petitioner lodged a complaint to the Station House Officer, Karimnagar II-Town Police Station, who in turn registered a criminal case against the respondent under Section 498-A I.P.C. While things stood thus, the respondent/husband filed O.P.No.107 of 2013 on the file of the Senior Civil Judge, Nizamabad against the petitioner under Section 9 of the Hindu Marriage Act, 1955. Hence, the petition.

3. Learned counsel for the petitioner submitted that in spite of several panchayats, the respondent did not change his attitude.

4. Learned counsel for the respondent submitted that the present petition is filed with false allegations with an ulterior motive to harass the respondent.

5. I have carefully perused the material available on record in order to appreciate the rival contentions of both the parties. It is an admitted fact that the petitioner has been residing at her parents' house at Karimnagar since 2010 along with her son. While deciding this type of petitions, the Court has to take into consideration the ground

realities as well as the inconvenience likely to be caused to the wife. The distance between Karimnagar and Nizamabad is around 140 KM. It may not be possible for the petitioner to travel 140 KM from Karimnagar to Nizamabad without the assistance of some male person. If the petition is dismissed, it may cause untold hardship to the petitioner.

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

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

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.107 of 2013 is withdrawn from the file of the Senior Civil Judge, Nizamabad and transferred to the file of the Judge, Family Court, Karimnagar for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 11.06.2015

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