

**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.187 of 2014

Between:

Smt. A.Sujatha

.. Petitioner

and

M.Gangadhara Sreenivasa Rao and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

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.187 of 2014

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.856 of 2013 from the file of the Additional Judge, Family Court, City Civil Court, Hyderabad and transfer the same to the file of the Judge, Family Court, Karimnagar or any competent Court having jurisdiction for disposal in accordance with law.

2. _____ Heard the learned counsel for both the parties and perused the affidavit filed in support of the petition.

3. _____ The marriage of the petitioner was performed with the first respondent on 20.02.2003 at Ravipadu Village, Kambham Mandal, Prakasam District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the first respondent to lead happy marital life. Out of lawful wedlock, the petitioner and the first respondent were blessed with two children. Basing on the complaint lodged by the petitioner, the Station House Officer, Jagityal Town Police Station registered a case in Crime No.111 of 2013 against the first 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 first respondent filed F.C.O.P.No.856 of 2013 on the file of the Additional Judge, Family Court, City Civil Court, Hyderabad for dissolution of marriage between him and the petitioner. The petitioner has been residing at her parents' house at Jagityal along with her two children due to misunderstandings between her and the first respondent. The petitioner belongs to Jagityal Town. The first respondent has been residing in Hyderabad due to his employment. The distance between Jagityal and Hyderabad is around 210 KM. It is

not the case of the first respondent that the petitioner having sufficient means to prosecute the case at Hyderabad. It may not be possible for the petitioner to travel

210 KM along with her children to prosecute F.C.O.P.No.856 of 2013 at Hyderabad. Invariably, the first respondent has to attend the criminal Court at Jagityal in view of pendency of Crime No.111 of 2013. If the petition is dismissed, it may cause untold hardship to the petitioner. 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.

4. 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.

5. 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.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.856 of 2013 is withdrawn from the file of the Additional Judge, Family Court, City Civil Court, Hyderabad and transferred to the file of the Senior Civil Judge, Jagityal, Karimnagar District for disposal in accordance with law. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 23.07.2015

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- [\[1\]](#) 2013 (6) ALT 42 (SC)
 - [\[2\]](#) 2001 (7) Supreme 96
 - [\[3\]](#) AIR 2002 SC 396