

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.231 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw F.C.O.P. No.1876 of 2014 from the file of the Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad and transfer the same to the Court of Senior Civil Judge, Wanaparthi, Mahabubnagar District, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 05.11.2011 at Sangam Function Hall, Wanaparthi, as per Hindu rites and the caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Wanaparthi registered a case in Crime No.202 of 2014 against the respondent for the offences punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed F.C.O.P. No.1876 of 2014 on the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad for dissolution of the marriage between him and the petitioner.

4. It is an admitted fact that the petitioner hails from Mahabubnagar and the respondent is native of Hyderabad. The petitioner has been residing at her parents' house at Wanaparthi, due to the misunderstandings between her and the respondent. 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 the wife. Invariably, the respondent has to attend the Court of Judicial Magistrate of First Class, Wanaparthi in connection with Crime No.202 of 2014. The distance between Wanaparthi and

Hyderabad is about 200 KMS. It is not the case of the respondent that the petitioner is having sufficient means to travel from Wanaparthy to Hyderabad. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. F.C.O.P. No.1876 of 2014 is withdrawn from the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad and transferred to the Court of Senior Civil Judge, Wanaparthy, Mahabubnagar District, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 25.6.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96