

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.105 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.87 of 2014 pending on the file of the Court of Senior Civil Judge, Bhongir and transfer the same to the Family Court, Ranga Reddy District at L.B. Nagar.

2 In spite of service of notice, the respondent did not choose to appear and contest the matter. Heard the learned counsel for the petitioner and perused the material available on record.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 09.02.2014 at Katikaneni Saraswathi Function hall, Secunderabad as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed DVC No.4 of 2014 on the file of X Metropolitan Magistrate, Malkajgiri against the respondent. Basing on the complaint lodged by the petitioner, the Station House Officer, Neredmet police station registered a case in Cr.No.82 of 2014 against the respondent and others for the offence punishable under section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed O.P.No.87 of 2014 on the file of Senior

Civil Judge's Court, Bhongir for restitution of conjugal rights.

4 The material placed on record reveals that bad weather prevailed in the family life of the petitioner and the respondent within four months after the marriage. The petitioner has been residing at her parents' house at Secunderabad. The distance between Bhongir and Secunderabad is about 60 KM. It may not be possible for the petitioner to travel from Secunderabad to Bhongir for each and every adjournment.

5 While deciding the petitions of this nature, the Court has to take into consideration the convenience of the parties to the proceedings, more particularly, the convenience of the wife. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the O.P. is transferred, the same may not cause any prejudice or hardship to the respondent. Even otherwise, the respondent invariably has to attend the criminal court at Malkajgiri in view of the pendency of DV Case and a criminal case.

6 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[3], 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 cases cited supra, I am of the considered view that the petitioner deserves the relief as sought for.

7 In the result, the petition is allowed and O.P.No.87 of 2014 pending on the file of the Court of Senior Civil Judge, Bhongir is withdrawn from the file of the said Court and the same is transferred to the Family Court, Ranga Reddy District at L.B. Nagar for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 01.07.2015
Kvsn

[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96

[\[3\]](#) AIR 2003 AP 178