

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
Tr.CMP.No.399 of 2013

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw F.C.O.P.No.556 of 2012 pending on the file of the Family Court, City Civil Court, Secunderabad and transfer the same to the Court of the Senior Civil Judge, Sultanabad of Karimnagar District.

2 Heard both sides 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 02.06.2005 at Mancherami village of Karimnagar District as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of the lawful wedlock, the petitioner and the respondent were blessed with a daughter by name Rushi on 12.03.2008. The respondent is facing trial for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act in C.C.No.8 of 2014 on the file of the Court of the J.F.C.Magistrate, Sultanabad. The respondent is also facing trial in DVC No.1 of 2014 on the file of the Judicial Magistrate of I Class, Sultanabad. The respondent filed F.C.O.P.No.556 of 2012 on the file of the Family Court, City Civil Court, Secunderabad for dissolution of marriage between him and the petitioner. Even as per the recitals of the

F.C.O.P.No.556 of 2012, the petitioner has been working as School Assistant at Mancherami village of Sultanabad Mandal. Moreover, the petitioner has to look after the day to day activities of her daughter.

4 In view of the nature of employment of the petitioner, it may not be possible for her to travel from Sultanabad to Secunderabad to prosecute the FCOP No.556 of 2012. Invariably, the respondent has to attend the Court of the Judicial Magistrate of I Class at Sultanabad in view of pendency of C.C.No.8 of 2014 and D.V.C.No.1 of 2014.

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 and children. If the F.C.O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the F.C.O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

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 F.C.O.P.No.556 of 2012 pending on the file of the Court of the Family Court, City Civil Court, Secunderabad is withdrawn from the file of the said Court and the same is transferred to the Court of Senior Civil Judge, Sultanabad of Karimnagar district 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: 28.07.2015
Kvsn

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

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

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