

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.55 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.388 of 2014 from the file of the Family Court, Guntur and transfer the same to the Family Court, City Civil Court, Hyderabad.

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

3. The marriage of the petitioner was performed with the respondent on 27.02.2014 at Guntur, as per Muslim rites and caste customs. The petitioner filed MC No.25 of 2015, seeking maintenance from the respondent, on the file of the Additional Family Court, Hyderabad. The petitioner also filed DVC No.60 of 2015 against the respondent on the file of IV Metropolitan Magistrate, Yerramanzil at Hyderabad. Basing on the complaint lodged by the petitioner, the Station House Officer, WPS, CCS, Hyderabad registered a case in Crime No.344 of 2014 for the offence punishable under Section 498-A of IPC and Sections 4 & 6 of Dowry Prohibition Act. The respondent filed F.C.O.P. No.388 of 2014 on the file of the Family Court, Guntur for dissolution of marriage between him and the petitioner._

4. A perusal of the record reveals that the petitioner and respondent stayed together for a short period immediately after the marriage. Bad weather prevailed in the family life of the petitioner. The contention of the respondent is that the petitioner is filing number of cases in Hyderabad city with false addresses with an ulterior motive to harass the respondent. While disposing of petitions of this nature, the Court shall not express any opinion touching the merits of the main case. The respondent has to attend the different Courts at Hyderabad in view of pendency of M.C.No.25 of 2015, DVC No.60 of 2015 and in Crime No.344 of 2014. It may not be possible for the petitioner to

travel from Hyderabad to Guntur without the assistance of some male member of the family. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.388 of 2014 is withdrawn from the file of the Family Court, Guntur and transferred to the Family Court, City Civil Court, Hyderabad for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 13.07.2015.

Gv/

^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96