

**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.364 of 2015

Between:

Morampudi Madhavi

.. Petitioner

and

Morampudi Ramu

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 06.08.2015

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.364 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.298 of 2015 from the file of the Family Court at Vijayawada, Krishna District and transfer the same to the file of the Judge, Family Court, City Civil Court at Hyderabad, Hyderabad District for disposal in accordance with law.

2. _____ The marriage of the petitioner was performed with the respondent on 15.08.2013 at Sri Manukonda Kalyana Mandapam, Macherla, Guntur District as per Hindu Rites and Caste Custom. 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, Sanjivareddy Nagar Police Station, Hyderabad registered a case in Crime No.191 of 2014 against the 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 petitioner filed M.C.No.196 of 2014 seeking maintenance from the respondent and the same is pending in Hyderabad City. The respondent is facing trial in D.V.C.No.30 of 2014 on the file of III Metropolitan Magistrate, Hyderabad. The respondent filed H.M.O.P.No.298 of 2015 on the file of the Family Court at Vijayawada for dissolution of marriage between him and the petitioner.

3. _____ The petitioner has been residing at her parents' house in Hyderabad due to misunderstandings between her and the respondent. Invariably, the respondent has to attend different Courts in Hyderabad in view of pendency of three cases. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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. As rightly pointed out by the learned counsel for the respondent, the respondent has to face some difficulty to attend the Family Court, City Civil Court at Hyderabad in connection with H.M.O.P.No.298 of 2015 on each and every date of adjournment.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.298 of 2015 is withdrawn from the file of the Family Court at Vijayawada, Krishna District and transferred to the file of the Judge, Family Court, City Civil Court at Hyderabad, Hyderabad District for disposal in accordance with law. The presence of the respondent (husband) in respect of H.M.O.P.No.298 of 2015 is hereby dispensed with on each and every date of adjournment before the Judge, Family Court, City Civil Court at Hyderabad. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 06.08.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

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

[\[3\]](#) AIR 2002 SC 396