

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.601 of 2013

ORDER:

This petition is filed under Section 24 CPC to withdraw F.C.O.P. No.619 of 2013 from the file of Family Court, City Civil Courts, Hyderabad and transfer the same to the Court of Senior Civil Judge, Repalle, Guntur District, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 12.2.2012 at Hyderabad, as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a daughter. Basing on the complaint lodged by the petitioner, the Station House Officer, Cherukupalli Police Station, Guntur District registered a case in Crime No.62 of 2013 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.619 of 2013 on the file of Family Court, City Civil Courts, Hyderabad, for dissolution of the marriage between him and the petitioner.

4. The petitioner along with her 2 years' old daughter has been residing at Cherukupalli in Guntur District. The distance between Cherukupalli and Hyderabad is around 300 KMs. It may not be possible for the petitioner to travel 300 KMs along with 2 years' old daughter without assistance of one of the male members of the family. At the time of arguments, it is brought to the notice of this court that respondent's father originally belongs to Cherukupalli village.

5. The contention of the respondent is that there is life threat to him

if he goes to Repalle. It is not uncommon to make allegations and counter allegations against each other more particularly in matrimonial cases. 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, Repalle in connection with Crime No.62 of 2013 of Cherukupalli Police Station. 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.

6. 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 cases cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer CMP is allowed. F.C.O.P. No.619 of 2013 is withdrawn from the file of Family Court, City Civil Courts, Hyderabad and transferred to the Court of Senior Civil Judge, Repalle, Guntur District, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 16.7.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96