

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.222 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.83 of 2015 from the file of Family Court, Warangal and transfer the same to the Court of Senior Civil Judge, Miryalaguda, Nalgonda 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 28.11.2007 at Vemulapally village of Nalgonda District, as per the Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a male child. The petitioner filed M.C. No.3 of 2015 on the file of Judicial Magistrate of First Class, Miryalaguda, seeking maintenance from the respondent. The respondent filed O.P. No.83 of 2015 on the file of Family Court, Warangal for restitution of conjugal rights.

4. The petitioner has been residing at her parents' house in Miryalaguda along with her son, due to misunderstandings between her and the respondent. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself, her child and defend the O.P., at Warangal by travelling 200 KMs from Miryalaguda to Warangal. Invariably, the respondent has to visit Miryalaguda in connection with M.C. No.3 of 2015. 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.

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 Miscellaneous Petition is allowed. O.P. No.83 of 2015 is withdrawn from the file of Family Court, Warangal and transferred to the Court of Senior Civil Judge, Miryalaguda, Nalgonda District for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.6.2015.
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^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
^[2] AIR 2002 SC 396
^[3] 2001 (7) Supreme 96