

**THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

TRANSFER C.M.P. No.466 of 2015

**ORDER:**

This transfer civil miscellaneous petition is filed under Section 24 of CPC seeking to withdraw H.M.O.P.No.112 of 2015 from the file of Senior Civil Judge Court, Medak District at Siddipet and transfer the same to any competent court at Hyderabad.

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 23.2.2008 at Visakhapatnam, as per Hindu rites and caste customs. 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. The respondent filed H.M.O.P. No.112 of 2015 on the file of Senior Civil Judge Court, Siddipet for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing in Hyderabad along with her daughter. Even as per the averments made in H.M.O.P. No.112 of 2015, the petitioner has been residing at Hyderabad by running medical clinic. The respondent is a Government Doctor and has been working at Siddipet. The distance between Hyderabad and Siddipet is around 150 KMs. The petitioner may face difficulty to travel from Hyderabad to Siddipet in order to prosecute H.M.O.P. No.112 of 2015 in view of her profession. 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.

5. As per the principle enunciated in **Sumita Singh v. Kumar**

**Sanjay**<sup>[1]</sup> and **Rachna Kanodia v. Anuk Kanodia**<sup>[2]</sup>, 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.

6. As rightly pointed out by the learned counsel for the respondent, the respondent being a Doctor by profession may face some difficulty to attend the Family Court, City Civil Court, Secunderabad on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

7. Accordingly, the Transfer CMP is allowed. H.M.O.P. No.112 of 2015 is withdrawn from the file of the Senior Civil Judge Court, Medak District at Siddipet and transferred to the file of Family Court, City Civil Court, Secunderabad, for disposal in accordance with law. The Family Court, City Civil Court, Secunderabad is hereby directed to dispense with the presence of the respondent–husband in connection with H.M.O.P. No.112 of 2015, on each and every date of adjournment. However, he shall appear before the trial Court as and when his presence is so required. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

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**T. SUNIL CHOWDARY, J**

Date: 28.10.2015  
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<sup>[1]</sup> AIR 2002 SC 396

<sup>[2]</sup> 2001 (7) Supreme 96