

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.114 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.360 of 2014 from the file of the Family Court, Secunderabad, and transfer the same to Family Court, Nizamabad.

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

3. The marriage of the petitioner was performed with the respondent on 03.06.2013 at TTD Kalyana Mandapam, Sircilla Road, Kamareddy, Nizamabad District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P.No.360 of 2014 on the file of the Family Court, Secunderabad, for dissolution of marriage between him and the petitioner. Unfortunately bad weather prevailed in the family life of the petitioner and the respondent.

4. The petitioner has been residing at her parents house in Kamareddy of Nizamabad District, due to misunderstandings between her and the respondent. Even as per the averments made in O.P.No.360 of 2014 also, the petitioner is resident of Kamareddy. It may not be possible for the petitioner to travel from Kamareddy to Secunderabad, without the assistance of one of the male members of the family. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While deciding the petitions of this nature, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the parties to the proceedings, more particularly, the wife.

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

Sanjay^[1], Rachna Kanodia v. Anuk Kanodia^[2] and V.Sailaja v

V.Koteswara Rao^[3] the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.360 of 2014 is withdrawn from the file of the Family Court, Secunderabad, and transferred to the file of Family Court, Nizamabad, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

21.09.2015.

Rns

^[1] AIR 2002 SC 396

^[2] 2001(7) Supreme 96

^[3] AIR 2003 AP 178 : 2003 (1) ALD 673 : 2003 (1) APLJ 441