

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.275 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.10 of 2015 from the file of the Senior Civil Judge Court at Peddapalli, Karimnagar District and transfer the same to the Senior Civil Judge Court at Kothagudem, Khammam District.

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

3. The marriage of the petitioner was performed with the respondent on 11.05.2014 at Kothagudem, 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.10 of 2015 on the file of the Senior Civil Judge Court at Peddapalli, Karimnagar District for restitution of conjugal rights.

4. The petitioner has been working as Medical Officer in Singareni Collieries at Kothagudem. Unfortunately bad weather prevailed in the family life of the petitioner and the respondent for obvious reasons. The petitioner may face much difficulty to attend the Senior Civil Judge Court at Peddapalli in view of nature of her employment. The fact remains that by the time of marriage, the petitioner is working as Medical Officer in Singareni Collieries, Kothagudem. The petitioner originally belongs to Khammam District and it may not be possible for the petitioner to travel from Kothagudem to Peddapalli to prosecute O.P.No.10 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. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

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. As rightly pointed out by the learned counsel for the respondent it may not be possible for the respondent to attend the Senior Civil Judge Court, Kothagudem in O.P.No.10 of 2015 on each and every date of adjournment being a Doctor. Even if the presence of the respondent is dispensed with no prejudice would be caused to the petitioner.

7. For these reasons, O.P.No.10 of 2015 is withdrawn from the file of the Senior Civil Judge Court at Peddapalli, Karimnagar District and transferred to the Senior Civil Judge Court at Kothagudem, Khammam District. The Senior Civil Judge, Kothagudem is hereby directed to dispense with the presence of respondent/husband for each and every date of adjournment. However, the respondent shall appear as and when the Court feels that his presence is so required.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 28.07.2015.

Gv/

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

^[2] AIR 2002 SC 396

[\[3\]](#) 2001 (7) Supreme 96