

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.673 of 2014

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw F.C.O.P.No.86 of 2014 from the file of the Family Court, Khammam and transfer the same to the Family Court, Nalgonda.

2. Learned counsel for the petitioner submitted that if the FCOP No.86 of 2014 is not transferred to Nalgonda it may cause untold hardship to the petitioner. Learned counsel for the respondent submitted that if the FCOP No.86 of 2014 is transferred to Nalgonda it may cause untold hardship to the respondent.

3. A perusal of the record reveals that the marriage of the petitioner with the respondent was performed on 28.08.2005 at Khammam as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a daughter, but unfortunately she died. For obvious reasons, disputes arose between the parties to the proceedings. The petitioner has been residing at her parents' house in Veliminedu Village of Nalgonda District. The petitioner lodged a complaint against the respondent and others to the Station House Officer, Chityal, Nalgonda District, who in-turn registered the case in Crime No. 173 of 2014 for the offence punishable under Section 498-A of IPC and Sections 3 & 4 of Dowry Prohibition Act. The petitioner filed M.C.No.6 of 2014 seeking maintenance from the respondent and the same is pending on the file of Judicial First Class Magistrate, Ramannapet. The petitioner also filed DVC No.1 of 2015 against the respondent and the same is pending on the file of the Judicial First Class Magistrate, Ramannapet. The respondent herein filed F.C.O.P.No.86 of 2014 against the petitioner on the file of Family Court, Khammam for dissolution of marriage between him and the petitioner.

4. A perusal of the record reveals that the parties have approached the criminal and civil Courts for redressal. Invariably the respondent has to appear in civil and criminal Courts at Ramannapet. It may not be possible for the petitioner to travel all the way from her native place to Khammam without the assistance of one of the male members of the family. 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 in view of the pendency of civil and criminal matters on the file of Judicial First Class Magistrate, Ramannapet. 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. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.86 of 2014 from the file of the Family Court, Khammam and transferred to the Family Court, Nalgonda for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 17.06.2015.

Gv/

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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