

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.760 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.272 of 2014 from the file of the Family Court, Ranga Reddy District at L.B.Nagar and transfer the same to the Family Court, Nalgonda.

2. Notice sent to the respondent returned with an endorsement 'un-served'. This Court permitted the petitioner to serve notice on the Advocate who is appearing on behalf of the respondent in the trial Court. In spite of service of notice, none appeared on behalf of the respondent. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

3. Heard the learned counsel for the petitioner and perused the material available on record.

4. The marriage of the petitioner was performed with the respondent on 10.03.2012 at Shivanjeya Function Hall, Nalgonda, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent herein facing trial in C.C.No.643 of 2013 on the file of the Judicial First Class Magistrate, Nalgonda for the offence punishable under Section 498-A of IPC and Section 4 of Dowry Prohibition Act. The petitioner also filed DVC No.9 of 2014 against the respondent and the same is pending on the file of the Judicial First Class Magistrate-cum-Special Mobile Court, Nalgonda. The petitioner also filed MC No.4 of 2014 on the file of the Family Court, Nalgonda seeking maintenance from the respondent. The respondent filed O.P. No.272 of 2014 on the file of the Family Court, Ranga Reddy District at L.B. Nagar for dissolution of marriage between him and the petitioner._

5. The petitioner has been residing at her parents' house at Nalgonda due to disputes between her and the respondent. The respondent has to appear different Courts at Nalgonda in view of pendency of the cases referred supra. 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.

6. 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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.272 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar and transferred to the Family Court, Nalgonda for trial and disposal in accordance with law. No costs.

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

-

T.SUNIL CHOWDARY, J.

Date: 16.07.2015.

Gv/

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

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96

