

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.361 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw H.M.O.P.No.126 of 2014 from the file of the Senior Civil Judge Court, Markapur and transfer the same to the Family Court, City Civil Courts, Hyderabad.

2. In spite of service of notice respondent did not choose to appear and contest the matter. 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 18.10.2013 at Chinna Kesava Swamy Temple, Vinjamur of Nellore District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent is facing trial in C.C.No.577 of 2015 on the file of the XIV Metropolitan Magistrate Court, Miyapur for the offences punishable under Section 498-A of IPC and Section 3 and 4 of Dowry Prohibition Act. The respondent filed H.M.O.P.No.126 of 2014 on the file of the Senior Civil Judge Court, Markapur for dissolution of marriage between him and the petitioner.

5. The petitioner has been residing at her parents' house in Kukatpally of Hyderabad due to misunderstandings between her and the respondent. As per the averments made in H.M.O.P.No.126 of 2014, the petitioner is resident of Kukatpally, Hyderabad. The distance between Markapur and Hyderabad is around 350 KMs. The petitioner may face much difficulty to travel

350 KMs in order to defend H.M.O.P.No.126 of 2014. Invariably, the respondent has to attend the criminal Court at Miyapur in view of pendency of C.C.No.577 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.

6. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 relief sought by the petitioner can be granted.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.126 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Markapur and transferred to the Family Court, City Civil Courts, Hyderabad for trial and disposal in accordance with law.

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

T.SUNIL CHOWDARY, J.

Date: 22.09.2015.

Gv/

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^[1] AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96