

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Tr.C.M.P. No.257 of 2015

Between:

Smt. I.Prathyusha

.. Petitioner

and

I.Pavan Kumar

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.257 of 2015

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.401 of 2015 from the file of the Judge, Family Court, City Civil Courts, Hyderabad, Hyderabad District and transfer the same to the file of the Judge, Family Court, Y.S.R. Kadapa District for disposal in accordance with law.

2. In spite of service of notice, the 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. The marriage of the petitioner was performed with the respondent on 24.03.2012 at Ooti Kalyanamandapam, Y.S.R. Kadapa District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Basing on the complaint of the petitioner, the Station House Officer, Women U/G Police Station, Kadapa registered a case in Crime No.25 of 2015 against the respondent and others for the offences punishable under Sections 498-A and 506 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The respondent filed F.C.O.P.No.401 of 2015 on the file of the Additional Family Court, City Civil Courts, Hyderabad for dissolution of marriage between him and the petitioner. The petitioner has been residing at Kadapa at her parents' house due to misunderstandings between her and the respondent. It may not be possible for the petitioner to travel from Kadapa to Hyderabad to prosecute F.C.O.P.No.401 of 2015 without the assistance of one of the male members of the family. Invariably, the respondent has to attend the criminal Court at Kadapa. Even if the

petition is allowed, the same may not cause any prejudice to the rights of the respondent. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings more particularly to the wife and children.

4. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay and another**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

5. 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 deserves to be allowed.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.401 of 2015 is withdrawn from the file of the Judge, Family Court, City Civil Courts, Hyderabad, Hyderabad District and transferred to the file of the Judge, Family Court, Y.S.R. Kadapa District for disposal in accordance with law. The presence of the respondent is hereby dispensed with on each and every date of adjournment before the Judge, Family Court, Y.S.R. Kadapa District. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 22.07.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

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

[\[3\]](#) AIR 2002 SC 396