

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.491 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.29 of 2014 from the file of the Family Court, Nizamabad, and transfer the same to Family Court, Medak, at Sanga Reddy.

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

3. The marriage of the petitioner was performed with the respondent on 29.05.2013 at Pedda Chintakunta village of Narsapur Mandal, Medak District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C.No.5 of 2014 on the file of Judicial Magistrate of First Class, Narsapur, Medak District, claiming maintenance from the respondent. The respondent also facing trial in C.C.No.218 of 2014 on the file of Judicial Magistrate of First Class, Narsapur, for the offences punishable under Section 498-A IPC and 3 and 4 of the Dowry Prohibition Act. The respondent filed O.P.No.29 of 2014 on the file of the Family Court, Nizamabad, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Pedda Chinthakunta village, Narsapur Mandal, Medak District, due to misunderstandings between her and the respondent. Even as per the averments made in O.P.No.29 of 2014 also, the petitioner is a resident of Pedda Chinthakunta village. The distance between Narsapur and the Nizamabad is around 120 kilometers. The petitioner may face some difficulty to travel 120 kilometers from Narsapur to Nizamabad in order to prosecute O.P.No.29 of 2014. Invariably, the respondent has to attend the Court of Judicial Magistrate of First Class, at Narsapur in view of pendency of M.C.No.5 of 2014 and C.C.No.218 of 2014. While deciding the petitions of this nature, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the parties to the

proceedings, more particularly, the wife.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay, Rachna Kanodia v. Anuk Kanodia** and **V.Sailaja v V.Koteswara Rao** the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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 it is a fit case to allow the petition.

7. As rightly pointed out by the learned counsel for the respondent, the respondent may face some difficulty to attend the Family Court at Sanga Reddy, Medak District on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.29 of 2014 is withdrawn from the file of the Family Court, Nizamabad, and transferred to the file of the Family Court, at Sanga Reddy, Medak District, for disposal in accordance with law. The presence of the respondent/husband before the Family Court, at Sanga Reddy, Medak District in connection with O.P.No.29 of 2014, on each and every date of adjournment, is hereby dispensed with. However, he shall appear before the Family Court, at Sanga Reddy, Medak District, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

05.10.2015.

Rns

