

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.48 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.7 of 2014 from the file of the Senior Civil Judge Court, Suryapet, and transfer the same to the file of the Senior Civil Judge Court, Kothagudem, Khammam District, for disposal in accordance with law.

2. Heard both sides and perused the affidavit filed in support of the petition.

3. The marriage of the petitioner was performed with the respondent on 24.06.1997 at Suryapet, 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 respondent were blessed with two children.

4. The petitioner has been residing at her parents house at Kothagudem along with her sons due to misunderstandings between her and the respondent. Basing on the complaint of the petitioner, the Station House Officer, Manuguru registered a case in Crime No.281 of 2013 against the respondent and others for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. The petitioner also filed M.C.No.2 of 2014 under Section 125 Cr.P.C. seeking maintenance from the respondent and the same is pending on the file of the Judicial First Class Magistrate at Manuguru. The respondent filed O.P.No.7 of 2014 for dissolution of marriage between him and the petitioner. The distance between Manuguru and Suryapet is nearly more than 150 kilometers. It may not be possible for the petitioner to travel from Manuguru to Suryapet along with her two children without the assistance of one of the male members of the family. Even otherwise, the respondent has to go to Manuguru in connection with M.C.No.2 of 2014 and Crime No.281 of 2013. If the petition is dismissed, it may cause untold hardship to the petitioner when compared to the respondent. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia**, and **Sumita Singh v. Kumar Sanjay**, 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 case cited supra, I am of the considered view that the petitioner is entitled for the relief sought for. Learned counsel for the respondent submitted that being a Government Teacher, it may not be possible for the respondent to attend the Senior Civil Judge Court at Kothagudem, on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.7 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Suryapet, and transferred to the file of the Senior Civil Judge Court, at Kothagudem of Khammam District, for disposal in accordance with law. The presence of the respondent/husband is hereby dispensed with in O.P.No.7 of 2014 on the file of the Senior Civil Judge Court, Kothagudem, Khammam District, on each and every date of adjournment. However, the respondent/husband shall appear before the Senior Civil Judge Court, Kothagudem, Khammam District, as and when his presence is so required. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:24.06.2015.

Rns

