

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.519 of 2015

ORDER:

This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.52 of 2015 from the file of the Senior Civil Judge Court, Medak District at Sangareddy and transfer the same to the file of Family Court, Hyderabad.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 06.5.2007 in Hyderabad as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a son. The respondent filed O.P. No.52 of 2015 on the file of the Senior Civil Judge Court, Medak District at Sangareddy for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Hyderabad along with her son, due to the disputes between her and the respondent. The petitioner may face some difficulty to travel from Hyderabad to Sangareddy to prosecute O.P. No.52 of 2015.

5. While deciding the petitions of this nature, the court has to take into consideration the inconvenience likely to be caused to the wife and children. As per the principle enunciated in **Sumita Singh v Kumar Sanjay** and **Rachna Kanodia v Anuk Kanodia**, 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 petitioner deserves the relief as sought for.

6. As rightly pointed out by the learned counsel for the respondent, respondent may face some difficulty to attend the Family Court, Hyderabad on each and every date of adjournment. Even if the presence of the respondent, as urged by the learned counsel for the respondent, is dispensed with, no prejudice will be caused to the petitioner.

7. In the result, the petition is allowed. O.P.No.52 of 2015 is withdrawn from the

file of the Senior Civil Judge Court, Medak District at Sangareddy and transferred to the file of Family Court, Hyderabad for trial and disposal in accordance with law. The presence of the respondent before the Family Court, Hyderabad in connection with O.P. No.52 of 2015 is hereby dispensed with for each and every date of adjournment. However, he shall appear before the Family Court, Hyderabad as and when his presence is so required. Miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 08.10.2015

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