

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.173 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.86 of 2015 from the file of the Family Court, Warangal, Warangal District and transfer the same to the Family Court at Hyderabad.

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

3. The marriage of the petitioner was officiated with the respondent on 16.05.2008 at Baptist Church, Narayanaguda, Hyderabad, as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with one son. The respondent filed O.P. No.86 of 2015 on the file of the Family Court, Warangal for dissolution of marriage between him and the petitioner.

4. Due to misunderstandings, the petitioner and the respondent have been residing separately. At the time of argument, the learned counsel for the respondent submitted that the respondent is working as Software Engineer in TCS, Gachibowli. The fact remains that the respondent originally belongs to Warangal District. The Petitioner is Doctor by profession. It may not be possible for the petitioner to attend the Family Court at Warangal in view of her profession. 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.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and

Rachna Kanodia v. Anuk Kanodia^[3], 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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.86 of 2015 is withdrawn from the file of the Family Court, Warangal and transferred to the Family Court, City Civil Court, Hyderabad for trial and disposal in accordance with law. No costs.

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

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T.SUNIL CHOWDARY, J.

Date: 16.07.2015.

Gv/

^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96