

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

Tr.C.M.P.No.363 of 2015

Between:

B. Sailaja, W/o B. Sailnath

... Petitioner

and

B. Sailnath, S/o B. Venkatachalam.

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 17-08-2015

SUBMITTED FOR APPROVAL:

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 Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.363 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.13 of 2015 from the file of the Family Court, Kadapa and transfer the same to any Competent Court at Kurnool.

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

3. The marriage of the petitioner was performed with the respondent on 15.02.2009 at Kurnool, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed DVC No.27 of 2011 against the respondent on the file of the Judicial First Class Magistrate (Excise), Kurnool. The petitioner filed MC No.8 of 2011 on the file of the Family Court, Kurnool seeking maintenance from the respondent. The respondent herein one of the accused in C.C.No.288 of 2011 on the file of the Special Mobile Court, Kurnool, for the offence punishable under Section 498-A of IPC. The respondent filed F.C.O.P.No.13 of 2015 on the file of the Family Court, Kadapa for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Kurnool since 2011 due to misunderstandings between her and the respondent. The distance between Kadapa and Kurnool is around 150 KMs. The petitioner may face much difficulty to travel from Kurnool to Kadapa to defend F.C.O.P.No.13 of 2015. DVC No.27 of 2011, M.C.No.8 of 2011 and C.C.No.288 of 2011 were referred to Lok Adalat, wherein, the matters were amicably settled between the parties to the proceedings. 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.

6. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 relief sought by the petitioner can be granted.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.13 of 2015 is withdrawn from the file of the Family Court, Kadapa and transferred to the Family Court, Kurnool for trial and disposal in accordance with law. No costs.

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

T.SUNIL CHOWDARY, J.

Date: 17.08.2015.

Gv/

^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96