

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.342 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.138 of 2014 from the file of the Senior Civil Judge Court, Peddapalli, Karimnagar District, and transfer the same to Family Court, Ranga Reddy District, at L.B.Nagar.

2. In spite of service of notice, respondent did not choose to appear and contest the matter. Hence, this Court is inclined to pass orders in the absence of the respondent. 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 01.12.2010 in Godavarikhani, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Godavarikhani I Town Police Station, registered a case in Crime No.322 of 2014 against the respondent for the offence punishable under Section 498-A IPC and 3 and 4 of the Dowry Prohibition Act. The respondent filed O.P.No.138 of 2014 on the file of the Senior Civil Judge Court, Peddapalli, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Godavarikhani town, due to misunderstandings between her and the respondent. Even as per the averments made in O.P.No.138 of 2014 also, the petitioner is a resident of Godavarikhani. The distance between Godavarikhani and Hyderabad is around 200 kilometers. The petitioner may face some difficulty to travel from Godavarikhani to Hyderabad in order to prosecute O.P.No.138 of 2014. Invariably, the respondent has to attend the criminal Court at Godavarikhani in view of pendency of Crime No.322 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. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.138 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Peddapalli, Karimnagar District, and transferred to the file of Family Court, Ranga Reddy District, at L.B.Nagar, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

29.09.2015.

Rns