

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.682 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.675 of 2014 from the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to the file of the Senior Civil Judge Court, Gadwal, Mahaboobnagar 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 26.12.2010 at Gadwal Town, 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 a daughter.

4. Basing on the complaint of the petitioner, the Station House Officer, Gadwal, registered a case in Crime No.119 of 2014 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 respondent filed H.M.O.P.No.675 of 2014 on the file of the Family Court, Ranga Reddy District, for dissolution of marriage between him and the petitioner. The respondent is a native of Anantapur district, but residing at Hyderabad in view of his employment. The petitioner has been residing at Gadwal since 2012 along with her minor daughter at her parents house. The distance between Gadwal and Hyderabad is 220 kilometers. It is not the case of the respondent that the petitioner is capable of maintaining herself and her daughter, aged about 3 ½ years. It may not be possible for the petitioner to travel 220 kilometers along with her daughter without the support of one of the male members of the family. Invariably, the respondent has to attend the Criminal Court at Gadwal in view of pendency of Crime No.119 of 2014. If the petition is dismissed, it may cause untold hardship to the petitioner when compared 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 deserves for the relief sought for. Learned counsel for the respondent submitted that being an employee in HSBC Bank, it may not be possible for the respondent to attend the Senior Civil Judge Court at Gadwal, 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. H.M.O.P.No.675 of 2014 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of the Senior Civil Judge Court, at Gadwal, Mahaboobnagar District, for disposal in accordance with law. The presence of the respondent/husband is hereby dispensed with in H.M.O.P.No.675 of 2014 on the file of the Senior Civil Judge Court, Gadwal, Mahaboobnagar District, on each and every date of adjournment. However, the respondent/husband shall appear before the Senior Civil Judge Court, Gadwal, 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:25.06.2015.

Rns

