

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.109 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.1496 of 2014 from the file of the Judge, Family Court, Hyderabad, at L.B.Nagar and transfer the same to the file of the Judge, Family Court, Madanapalle, Chittoor District, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent in the month of June 2013 at Gangapuram village of Madanapalli Mandal of Chittoor District as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint of the petitioner, the Station House Officer, Madanapalli Police Station, registered a case in Crime No.13 of 2014 against the respondent under Section 498-A, 323 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act. The petitioner also filed D.V.C.No.2 of 2014 against the respondent on the file of I Additional Junior Civil Judge, at Madanapalli. She also filed M.C.No.24 of 2014 against the respondent on the file of Judicial First Class Magistrate, Madanapalli. While things stood thus, the respondent filed O.P.No.1496 of 2014 on the file of the Family Court, Hyderabad against the petitioner herein under Section 9 of the Hindu Marriage Act.

4. The petitioner and respondent lived together for a period of one year after marriage. Invariably, the respondent has to attend different courts at Madanapalli in view of pendency of criminal case, D.V.C.No.2 of 2014 and M.C.No.24 of 2014. It may not be possible for the petitioner to travel from Madanapalli to Hyderabad to prosecute the case at Hyderabad without the

assistance of some male person.

5. While deciding this type of petitions, the Court has to take into consideration the inconvenience likely to be caused to the petitioner. 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 cases cited supra, I am of the considered view that it is a fit case to allow the petition.

7. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P.No.1496 of 2014 is withdrawn from the file of the Judge, Family Court, Hyderabad. Though the petitioner sought to transfer the matter to Family Court, Madanapalli, as there is no Family Court at Madanapalli, the matter is transferred to the file of the Principal Senior Civil Judge Court, Madanapalli, for disposal in accordance with law.

Miscellaneous petitions, if any filed in this transfer civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:16.06.2015.

Rns