

**HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

TRANSFER CIVIL MISCELLANEOUS PETITION No.281 of 2015

**ORDER:**

This petition is filed under Section 24 CPC to withdraw H.M.O.P. No.47 of 2014 from the Court of Senior Civil Judge, Narayanpet, Mahabubnagar District and transfer the same to the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 28.5.2010 at Community Hall, KPHB Colony, Hyderabad, as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, KPHB Colony Police Station registered a case in Crime No.192 of 2014 against the respondent for the offences punishable under Sections 498-A and 494 IPC and Sections 3 and 4 of Dowry Prohibition Act. The petitioner also filed DVC No.21 of 2014 against the respondent and the same is pending on the file of XIX Metropolitan Magistrate Court, Kukatpally at Miyapur, Cyberabad. The respondent filed H.M.O.P. No.47 of 2014 on the file of Senior Civil Judge Court, Narayanpet, Mahabubnagar District, for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing in Hyderabad in view of her employment. Invariably, the respondent has to attend the criminal court at Miyapur in connection with Crime No.192 of 2014 and the D.V.C. It may not be possible for the petitioner to travel 160 KMs from Hyderabad to Narayanpet to defend H.M.O.P. No.47 of 2014. While deciding the petitions of this nature, the court has to take into

consideration the inconvenience likely to be caused to the wife. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**<sup>[1]</sup> and **Rachna Kanodia v. Anuk Kanodia**<sup>[2]</sup>, 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.

6. It is an admitted fact that the respondent is working as Hostel Welfare Officer, Tribal Welfare Office, Mahabubnagar. As rightly pointed out by the learned counsel for the respondent, it may not be possible for the respondent to obtain leave frequently to attend Family Court, Ranga Reddy District at L.B. Nagar. Even if the presence of the respondent before the trial court is dispensed with, it may not cause any prejudice to the petitioner.

7. Accordingly, the Transfer CMP is allowed. H.M.O.P. No.47 of 2014 is withdrawn from the Court of Senior Civil Judge, Narayanpet, Mahabubnagar District and transferred to the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, for disposal in accordance with law. The presence of the respondent before the Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, on each and every date of adjournment, in connection with H.M.O.P. No.47 of 2014, is hereby dispensed with. However, he shall appear before the trial court as and when his presence is so required. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

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**T.SUNIL CHOWDARY, J**

Date: 09.7.2015.

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[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96