

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.669 of 2014

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw OP No.973 of 2014 from the file of Family Court, R.R. District at L.B.Nagar and transfer the same to Family Court, Warangal.

2 The learned counsel for the petitioner submitted that due to harassment meted out by the respondent, the petitioner has been residing at Warangal.

3 On the other hand, the learned counsel for the respondent submitted that the petitioner necked out the respondent from the house and filed the present petition with an intention to harass the respondent.

4 I have perused the material available on record in order to appreciate the rival contentions.

5 As per the averments made in the petition, the marriage of the petitioner was officiated with the respondent on 10.05.2006 at Century Baptist Church, Christian colony, Warangal as per Christian caste custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of the lawful wedlock, they were blessed with a daughter. The respondent and the petitioner lived together at Hyderabad up to 2013. For obvious reasons, disputes arose between the parties in the year 2014 and since then the petitioner has been residing at Warangal along with her daughter. The petitioner lodged a complaint to the Station House Officer, Women Police Station, Warangal, who in turn registered the same as a case in Cr.No.1271 of 2014 against the respondent for the offences punishable under Sections 498-A and 323 of IPC and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed O.P.No.973 of 2014 on the file of Family Court, Ranga Reddy District at L.B.Nagar under Section 10 (ix) (x) of Divorce Act, 1869 seeking dissolution of the marriage between him and the petitioner.

6 Each party is making allegations against the other. The scope of this petition is very limited. It is not uncommon to make allegations and counter allegations in matrimonial cases. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the wife. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to attend the Court at Hyderabad on each and every adjournment along with her daughter that too without the assistance of a male person. Even if the petition is allowed, the same may not cause any prejudice or hardship to the respondent.

7 As per the principle laid down in ***Sumita Singh Vs. Kumar Sanjay, Rachna Kanodia Vs. Anuk Kanodia***, and ***V. Sailaja Vs. V. Koteswara Rao***, 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 petitioner deserves the relief as sought for.

8 In the result, the petition is allowed and OP No.973 of 2014 pending on the file of the Family Court, Ranga Reddy District at L.B. Nagar is withdrawn from the file of the said Court and the same is transferred to the Family Court, Warangal for disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 12.06.2015

Kvsn