

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.258 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.23 of 2015 from the file of the Family Court, Nizamabad and transfer the same to the Family Court, Ranga Reddy District or to the Family Court, City Civil Court at Hyderabad.

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

3. Heard the learned counsel for the petitioner and perused the material available on record.

4. The marriage of the petitioner was performed with the respondent on 09.12.2010 at Vyas Bhavan, Nizamabad, 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, L.B. Nagar registered a case against the respondent for the offences punishable under Section 498-A of IPC and Sections 4 & 5 of Dowry Prohibition Act. The respondent filed O.P. No.23 of 2015 on the file of the Family Court, Nizamabad for dissolution of marriage between him and the petitioner.

5. The petitioner has been residing at her parents' house at Hyderabad. The distance between Nizamabad and Hyderabad is 150 KMs. It may not be possible for the petitioner to travel 150 KMs in order to prosecute O.P.No.23 of 2015 at Nizamabad. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and to travel from Hyderabad to Nizamabad. If the petition is dismissed, it may cause untold hardship to the petitioner.

Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

6. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.23 of 2015 is withdrawn from the file of the Family Court, Nizamabad and transferred to the Family Court, Ranga Reddy District for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand -closed.

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T.SUNIL CHOWDARY, J.

Date: 02.07.2015.

Gv/

^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96