

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.580 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.998 of 2010 from the file of the Additional Family Court, City Civil Court, Hyderabad and transfer the same to the Family Court, Khammam or to any Court in Khammam Town, Khammam District for disposal in accordance with law.

2. Heard both the counsel.

3. A perusal of the record reveals that the marriage of the petitioner was officiated with the respondent on 07.12.2007 at Methodist Church, Chapel Road, Nampally, Hyderabad, as per Christian 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 the respondent were blessed with a son. For obvious reasons, disputes arose between the parties to the proceedings. The respondent filed O.P.No.998 of 2010 on the file of the Additional Family Court, City Civil Court, Hyderabad for restitution of conjugal rights. The trial Court passed an ex parte order in favour of the respondent/husband. The petitioner herein filed a petition with a prayer to set aside ex parte order and the same was allowed. Basing on the complaint lodged by the petitioner, the Station House Officer, Khammam registered a case in Crime No.44 of 2010 against the respondent and others for the offence punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

3. The petitioner has been residing at her parents' house along with her son due to family disputes. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel from Khammam to Hyderabad without the help of one of the male members of the family. It is not the case of the

respondent that the petitioner is having sufficient means to maintain herself and her daughter and to travel from Khammam to Hyderabad. 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.

4. 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.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.998 of 2010 is withdrawn from the file of the Additional Family Court, City Civil Court, Hyderabad and transferred to the Family Court, Khammam Town, Khammam 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.

-

T.SUNIL CHOWDARY, J.

Date: 18.06.2015.

Gv/

-

-

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

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96