

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

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Transfer C.M.P.No.410 of 2015

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Between:

Delphin Marina

.. Petitioner

And

R.Prashanth Kumar

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 19.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters/Journals Yes/No
3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.410 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw

O.P.No.47 of 2015 from the file of the Additional District Judge, Madanapalle, Chittoor District, and transfer the same to the Family Court, Secunderabad.

2. Heard both the counsels and perused the material available on record.

3. The marriage of the petitioner was officiated with the respondent on 29.09.2010 at Mandamarri, Adilabad District, as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a son on 07.08.2011. Basing on the complaint lodged by the petitioner, the Station House Officer, Mandamarri Police Station, registered a case in Crime No.73 of 2012 against the respondent and others for the offences punishable under Sections 498-A IPC and Section 4 of the Dowry Prohibition Act. The respondent filed O.P.No.47 of 2015 on the file of the Additional District Judge, Madanapalle, Chittoor District, under Indian Divorce Act for restitution of conjugal rights.

4. At the time of arguments, both counsels submitted that the petitioner has been residing in Hyderabad along with son. Learned counsel for the petitioner submitted that the petitioner has been working as a part-time teacher in a private school. The distance between Madanapalle and Hyderabad is around 542 kilometers. The petitioner may face some difficulty to travel from Hyderabad to Madanapalli in order to prosecute O.P.No.47 of 2015. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings, more particularly, the wife and children.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[3], 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. At the time of arguments, learned counsel for the respondent submitted that the respondent may face some difficulty for attending the Court at Secunderabad for each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.47 of 2015 is withdrawn from the file of the Additional District Judge, Madanapalle, Chittoor District, and transferred to the Family Court, Secunderabad. The presence of the respondent in O.P.No.47 of 2015 before the Family Court, Secunderabad, is dispensed with for each and every adjournment. However, he shall appear before the Family Court, Secunderabad, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

19.08.2015.

Rns

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

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

[\[3\]](#) AIR 2002 SC 396