

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.368 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.61 of 2015 from the file of the Family Court, Karimnagar, Karimnagar District, and transfer the same to Family Court, at Hyderabad, for disposal in accordance with law.

2. In spite of service of notice, 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. The marriage of the petitioner was performed with the respondent on 10.05.2007 at Tulja Bhavan Function Hall, Kachiguda, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed F.C.O.P.No.903 of 2015 on the file of Family Court, Hyderabad, for restitution of conjugal rights. The respondent filed F.C.O.P.No.61 of 2015 on the file of the Family Court, Karimnagar, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Hyderabad due to misunderstandings between her and the respondent. Even as per the recitals of F.C.O.P.No.61 2015, the petitioner is a resident of Hyderabad. At the time of arguments, learned counsel for the petitioner submitted that the respondent has been residing in Hyderabad even at the time of filing of the petition. While deciding the petitions of this nature, the Court is not supposed to enter into controversial issues touching the merits of the case. 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.

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 inclined to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.61 of 2015 is withdrawn from the file of the Family Court, Karimnagar, Karimnagar District, and transferred to the file of the Family Court, Hyderabad, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

03.08.2015.
Rns

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

^[2] 2001(7) Supreme 96

^[3] AIR 2002 SC 396