

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.245 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.6 of 2015 from the file of the Senior Civil Judge, at Kamareddy, Nizamabad District, and transfer the same to the Family Court, Hyderabad, for disposal in accordance with law.

2. Heard both counsels.

3. The marriage of the petitioner was performed with the respondent on 15.12.2010 at Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P.No.6 of 2015 on the file of the Senior Civil Judge, Kamareddy, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at Hyderabad at her parents house due to misunderstandings between her and the respondent. Even as per the recitals in O.P.No.6 of 2015, the petitioner hails from Hyderabad. The distance between Hyderabad and Kamareddy is around 200 kilometers. The petitioner may face some difficulty to travel from Hyderabad to Kamareddy to prosecute O.P.No.6 of 2015. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing 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. Learned counsel for the respondent submitted that the respondent may face some difficulty to attend the Family Court, Hyderabad, on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.6 of 2015 is withdrawn from the file of the Senior Civil Judge, at Kamareddy, Nizamabad District, and transferred to the file of the Family Court, Hyderabad, for disposal in accordance with law. The presence of the respondent/husband before the Family Court, Hyderabad in connection with O.P.No.6 of 2015, on each and every date of adjournment, is hereby dispensed with. However, he shall appear before the Family Court, Hyderabad, as and when his presence is so required. 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