

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.32 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw F.C.O.P.No.586 of 2014 pending on the file of the Family Court, City Civil Court, Secunderabad and transfer the same to the Court of Senior Civil Judge, Suryapet of Nalgonda District.

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

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 02.11.1997 at Suryapet as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with one son and one daughter who are now aged 16 and 14 years respectively. The petitioner and the respondent lived together at Hyderabad up to 2013. Thereafter disputes arose between the petitioner and the respondent. The respondent filed FCOP No.586 of 2014 on the file of the Family Court, City Civil Court, Secunderabad for dissolution of marriage between him and the petitioner. The petitioner has been residing at her parents' house at Suryapet.

4 At the time of arguments, both counsel, in one

voice have submitted that the children are residing with the respondent at Hyderabad. In deciding the petitions of this nature, the Court has to taken into consideration the convenience of the parties, more particularly, the convenience of the wife. It is not the case of the respondent that the petitioner is having sufficient means to travel from Suryapet to Hyderabad. Therefore, it may not be possible for the petitioner to come to Hyderabad from Suryapet. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

5 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[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 cases cited supra, I am of the considered view that the petitioner deserves the relief as sought for.

6 In the result, the petition is allowed and the O.P.No.586 of 2014 pending on the file of the Family Court, City Civil Court, Secunderabad is withdrawn from the file of the said Court and the same is transferred to the Court of Senior Civil Judge, Suryapet of Nalgonda District

for trial and disposal in accordance with law. However, the presence of the respondent before the learned Senior Civil Judge, Suryapet in the said O.P. is dispensed with for each and every adjournment. But the respondent shall appear before the said court as and when his presence is so required. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 22.06.2015
Kvsn

[\[1\]](#) AIR 2002 SC 396

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

[\[3\]](#) AIR 2003 AP 178