

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.331 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw H.M.O.P. No.19 of 2015 from the Court of Senior Civil Judge, Addanki, Prakasam District and transfer the same to the file of Family Court, Ranga Reddy District, for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 30.4.2006 at Santhamaguluru in Prakasam District as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with two daughters. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Begumpet, Secunderabad North Zone, registered a case in Crime No.38 of 2015 for the offences punishable under Sections 498A, 506 and 406 IPC and Sections 4 and 6 of Dowry Prohibition Act. The respondent filed H.M.O.P. No.19 of 2015 on the file of Senior Civil Judge Court, Addanki, Prakasam District for restitution of conjugal rights.

4. Due to the misunderstandings, the petitioner has been residing at her parents' house in Hyderabad along with her two daughters. The distance between Hyderabad and Addanki is around 300 KMs. The petitioner may face difficulty to travel from Hyderabad to Addanki in order to defend H.M.O.P. No.19 of 2015. Learned counsel for the respondent submitted that the respondent has been residing in Hyderabad due to his employment. 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. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 relief sought by the petitioner can be granted.

6. Accordingly, the Transfer CMP is allowed. H.M.O.P. No.19 of 2015 is withdrawn from the Court of Senior Civil Judge, Addanki, Prakasam District and transferred to the file of Family Court, Ranga Reddy District, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 19.08.2015.
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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96