

**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.151 of 2015

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Between:

Akkenapally Jayanti

.. Petitioner

And

Akkenapally Mallikarjuna Chary

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 13.08.2015

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 Yes/No
marked to Law Reporters/Journals
3. Whether Their Lordship wish to Yes/No
see the fair copy of the Judgment?

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.151 of 2015

ORDER:

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

F.C.O.P.No.858 of 2014 from the file of the Additional Family Court, Hyderabad, and transfer the same to Family Court, Warangal, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 01.12.2011 at Hanamkonda, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Warangal, registered a case in Crime No.2 of 2015 against the respondent and others for the offences punishable under Sections 498-A IPC and 3 and 4 of the Dowry Prohibition Act. The respondent is facing trial in D.V.C.No.19 of 2015 on the file of the IV Additional Judicial Magistrate of First Class, Warangal. The respondent filed F.C.O.P.No.858 of 2015 on the file of the Additional Family Court, City Civil Court, Hyderabad, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Warangal, due to misunderstandings between her and the respondent. The distance between Hyderabad and Warangal is 130 kilometers. The petitioner may face some difficulty to travel from Warangal to Hyderabad in order to prosecute F.C.O.P.No.858 of 2014. Invariably the respondent has to attend the Criminal Courts at Warangal in view of pendency of D.V.C.No.19 of 2015 and Crime No.2 of 2015. While deciding the petitions of this nature, the Court has to take into consideration the ground realities as well as 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 of the considered view that it is a fit case to allow the petition.

7. As rightly pointed out by the learned counsel for the respondent, the respondent may face some difficulty to attend the Family Court at Warangal 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. F.C.O.P.No.858 of 2014 is withdrawn from the file of the Additional Family Court, Hyderabad, and transferred to the file of the Family Court, Warangal, for disposal in accordance with law. The presence of the respondent/husband before the Family Court, Warangal in connection with F.C.O.P.No.858 of 2014, on each and every date of adjournment, is hereby dispensed with. However, he shall appear before the Family Court, Warangal, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

13.08.2015.

Rns

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

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

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