

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.471 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw O.P.No.46 of 2015 from the file of the Family Court, Nizamabad and transfer the same to the VII Additional District Judge-cum-Family Court, Medak at Sangareddy.

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

3. The marriage of the petitioner was performed with the respondent on 12.08.2012 at Gayatri Gardens, Patancheru, Medak District, 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.46 of 2015 on the file of the Family Court at Nizamabad for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Patancheru due to disputes between her and the respondent. The distance between Patancheru and Nizamabad is around 210 KMs. The petitioner may face much difficulty to travel 210 KMs without the assistance of one of the male members of the family. 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. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

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. The respondent may face some difficulty to attend the Family Court, Medak at Sangareddy in connection with O.P.No.46 of 2015 on each and every date of adjournment. Even if the presence of the respondent is dispensed with no prejudice would be caused to the petitioner.

7. For these reasons, O.P.No.46 of 2015 is withdrawn from the file of the Family Court, Nizamabad and transferred to the VII Additional District Judge-cum-Family Court, Medak at Sangareddy for disposal in accordance with law. The presence of the respondent/husband before the VII Additional District Judge-cum-Family Court, Medak at Sangareddy in connection with O.P.No.46 of 2015, on each and every date of adjournment, is hereby dispensed with. However, the respondent shall appear as and when the Court feels that his presence is so required.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 28.09.2015.

Gvl

-
-
-

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

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