

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.61 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.142 of 2014 from the file of the II Additional Senior Civil Judge, Warangal and transfer the same to the Family Court, Hyderabad for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that it is very difficult for the petitioner to attend Warangal Court, which is situated 150 KMs away from Hyderabad to defend the case. Learned counsel for the respondent submitted that the petitioner filed the present petition with ulterior motive.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 10.05.2006 at Paradise Function hall, Saidabad, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, they were blessed with a son. For obvious reasons, disputes arose between the parties to the proceedings. The petitioner filed MC No.273 of 2010 on the file of XXIII Additional Chief Judge, City Civil Court, Hyderabad seeking maintenance from the respondent. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, C.C.S., Hyderabad registered a case in Crime No.129 of 2013 against the respondent and others for the offences punishable under Sections 498-A and 406 of IPC and Sections 4 and 6 of Dowry Prohibition Act. The respondent filed O.P. No.142 of 2013 on the file of the II Additional Senior Civil Judge, Warangal for dissolution of marriage between him and the petitioner._

4. The petitioner and the respondent lived together happily for a period of 4 years. The petitioner has been residing at her parents'

house at Hyderabad along with her child since 2010. The respondent has to attend Family Court at Hyderabad and also criminal court. If the petition is dismissed, it may cause untold hardship to the petitioner. It may not be possible for the petitioner to travel 150 KMs from Warangal to Hyderabad. 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 **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.142 of 2013 is withdrawn from the file of the II Additional Senior Civil Judge, Warangal and transferred to the Family Court-cum-XXIII Additional Chief Judge, City Civil Court, Hyderabad for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand -closed.

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T.SUNIL CHOWDARY, J.

Date: 18.06.2015.

Gv/

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[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
[\[2\]](#) AIR 2002 SC 396
[\[3\]](#) 2001 (7) Supreme 96