

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.118 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.8 of 2015 from the file of the Judge, Family Court, Khammam and transfer the same to the file of the Judge, Family Court, Huzurnagar, for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner is not in a position to attend the Family Court at Khammam due to financial problems. Learned counsel for the respondent submitted that the petitioner filed the present petition with an intention to cause inconvenience to the respondent.

3. I have perused the material available on record and heard both counsels.

4. The facts leading to filing of the present petition are briefly as follows: The marriage of the petitioner was performed with the respondent on 07.04.2001 at Kodad as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent at Khammam to lead happy marital life. Out of their lawful wedlock, the petitioner and respondent were blessed with two daughters. The petitioner and respondent lived together up to 2012. Due to some family disputes, the petitioner lodged a complaint to the Station House Officer, Kodad, who in turn registered a case in Crime No.115 of 2012 punishable under Sections 498-A and 506 IPC and 3 and 4 of DP Act against the respondent. The petitioner also filed D.V.C.18 of 2012 against the respondent on the file of Judicial First Class Magistrate, Kodad. While things stood thus, the respondent filed F.C.O.P.No.8 of 2015 on the file of the Judge, Family Court, Khammam for dissolution of marriage between him and the petitioner.

5. The petitioner has been residing at her parents house at Kodad along with her two daughters due to family disputes. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and her children. In such circumstances, it may not be possible for the petitioner to travel from Kodad to Khammam to prosecute the case. The respondent has to attend the criminal Courts at Kodad in view of pendency of D.V.C.18 of 2012 and also the criminal case.

6. It is needless to say that the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings while deciding this type of cases. If F.C.O.P.No.8 of 2015 is not transferred to Huzurnagar, it may cause untold hardship and inconvenience to the petitioner. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia,** and **Sumita Singh v. Kumar Sanjay**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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 petitioner deserves the relief sought by her.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.8 of 2015 is withdrawn from the file of the Judge, Family Court, Khammam and transferred to the file of the Senior Civil Judge Court, Huzurnagar, as there is no Family Court at Huzurnagar even though the petitioner prayed, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:16.06.2015.

Rns