

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.35 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.547 of 2014 from the file of the Additional Family Court, City Civil Courts, Hyderabad and transfer the same to the file of Senior Civil Judge Court, Miryalaguda, Nalgonda District for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that it is very difficult for the petitioner to attend the Additional Family Court at Hyderabad. Learned counsel for the respondent submitted that there is a life threat to the respondent if he goes to Miryalaguda to attend the Court in connection with O.P. No.547 of 2014.

3. I have perused the material available on record. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 25.11.2012 at Miryalaguda, 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, who is now aged 1½ years. Due to various reasons, disputes arose between the petitioner and the respondent. The petitioner lodged a complaint to the Station House Officer, Miryalaguda. After completion of investigation, the Investigating Officer laid charge sheet against the respondent for the offence under Section 498-A IPC. Learned Judicial Magistrate of First Class, Miryalaguda had taken cognizance of offence under Section 498-A IPC against the respondent and numbered it as C.C. No.1543 of 2014. The petitioner also filed M.C. No.1 of 2015 on the file of the Judicial Magistrate of First Class, Miryalaguda. The respondent filed O.P. No.547 of 2014 on the file of Additional Family Court, City Civil Courts, Hyderabad against the petitioner under Section 9 of the Hindu Marriage Act. It is not the case of the respondent that the petitioner is having sufficient means to defend O.P. No.547 of 2014 at Hyderabad by travelling all the way from Miryalaguda. Invariably, the respondent has to attend the Junior Civil Judge Court, Miryalaguda in connection with C.C. No.1543 of 2014 and M.C. No.1 of 2015. Even if the petition is allowed, the same may not cause any inconvenience to the respondent. If the petition is dismissed, it may cause untold hardship to the

petitioner. The stand of the respondent that there is a life threat to him if he goes to Miryalaguda is not supported by any material much less cogent and convincing material. It is not uncommon in matrimonial cases to make allegations and counter allegations without any basis. Hence, I am not inclined to express any opinion with regard to the allegations and counter allegations made by the parties to the proceedings. While disposing of this type of petitions, 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, Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, 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 it is a fit case to transfer O.P. No.547 of 2014 from the file of the Additional Family Court, City Civil Courts, Hyderabad to the file of the Senior Civil Judge Court, Miryalaguda, Nalgonda District.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P. No.547 of 2014 is transferred from the file of the Additional Family Court, City Civil Courts, Hyderabad and transferred to the file of the Senior Civil Judge Court, Miryalaguda, Nalgonda District for disposal in accordance with law. Learned Senior Civil Judge, Miryalaguda is hereby directed to dispose of the O.P. as expeditiously as possible, in accordance with law. As a sequel, miscellaneous petitions, if any filed in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 15.06.2015.

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