

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.145 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.147 of 2014 from the file of the Judge, Family Court, Warangal and transfer the same to the file of the Senior Civil Judge, Huzurnagar for disposal in accordance with law.

2. The facts leading to filing of the present petition are briefly as follows: The marriage of the petitioner was performed with the respondent on 24.11.1999 at Huzurnagar, Nalgonda District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy matrimonial life. They lived together for some time. Due to disputes, the petitioner has been residing in Huzurnagar at her parent's house. The respondent filed O.P. No.116 of 2011 on the file of the II Additional District and Sessions Judge-cum-Family Court, Warangal, for restitution of conjugal rights and the same was allowed. The respondent also filed O.P. No.147 of 2014 on the file of the Judge, Family Court, Warangal for dissolution of the marriage between him and the petitioner. Hence, the present petition.

3. Learned counsel for the petitioner submitted that the respondent has obtained *ex parte* order in O.P. No.116 of 2011. He further submitted that being a Government employee, it may not be possible for the petitioner to attend the Family Court at Warangal on each and every date of adjournment. Learned counsel for the respondent submitted that the petitioner has sufficient means to attend the Family Court at Warangal.

4. There is no dispute between the parties with regard to their relationship. It is an admitted fact that the petitioner has been residing at Huzurnagar at her parents' house. After the marriage, the petitioner got job and at present she is working as School Assistant in Government High School, Huzurnagar, Nalgonda District. The respondent is also working in a private company at Warangal. While deciding this type of cases, the court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the wife. Being a Government employee, it

may not be possible for the petitioner to attend the Family Court at Warangal on each and every date of adjournment without obtaining leave from higher authorities. Even if the O.P. is transferred to Huzurnagar, the same may not cause any prejudice to the respondent.

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.147 of 2014 from the file of the Judge, Family Court, Warangal to the file of the Senior Civil Judge, Huzurnagal.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P.No.147 of 2014 is withdrawn from the file of the Judge, Family Court, Warangal and transferred to the file of the Senior Civil Judge, Huzurnagar, Nalgonda District, for disposal in accordance with law. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 08.06.2015.

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