

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.170 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.123 of 2012 from the Court of Senior Civil Judge, Tanuku, West Godavari District and transfer the same to the Court of Senior Civil Judge, Sangareddy, Medak District, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 28.3.2008 at Tadepalligudem, West Godavari District, as per the Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a son. Basing on the complaint lodged by the petitioner, the Station House Officer, Ramachandrapuram Police Station, Medak District, registered a case in Crime No.46 of 2015 against the respondent for the offences punishable under Sections 498-A, 323 and 504 IPC. The respondent filed the O.P. for restitution of conjugal rights or in the alternative to dissolve the marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house at Ramachandrapuram along with her son, who is now aged about 6 years, due to the family disputes. The distance between the petitioner's native place i.e., Ramachandrapuram and Tanuku is nearly 400 KMs. It may not be possible for the petitioner to travel along with her minor son from Ramachandrapuram to Tanuku without assistance of one of the male members of the family. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself, her son and defend the case at Tanuku. Invariably,

the respondent has to attend the Court of Judicial Magistrate of First Class, Sangareddy in connection with Crime No.46 of 2015. 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.

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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P. No.123 of 2012 is withdrawn from the Court of Senior Civil Judge, Tanuku, West Godavari District and transferred to the Court of Senior Civil Judge, Sangareddy, Medak District, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 24.6.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96