

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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Transfer C.M.P.No.266 of 2015

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Between:

Harika Botla @ Harika Vanamala

.. Petitioner

And

Botla Praveen Kumar

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 18.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.266 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.49 of 2014 from the file of the Senior Civil Judge, Nizamabad, and transfer the same to the Court of Senior Civil Judge, Jagityal, for

disposal in accordance with law.

2. Heard both the counsels and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 19.04.2009 in Jagityal Town as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner and respondent lived together for some time in Australia. Respondent filed O.P.No.49 of 2014 on the file of Senior Civil Judge, Nizamabad, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house due to misunderstandings between her and the respondent. The distance between Jagityal and Nizamabad is around 100 kilometers. The petitioner may face some difficulty to attend the Court at Nizamabad in order to prosecute the case without the assistance of one of the family members. Even if the matter is transferred, the same may not cause any prejudice to the respondent. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings, more particularly, the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is

allowed. O.P.No.49 of 2014 is withdrawn from the file of the Senior Civil Judge, Nizamabad, and transferred to the Court of Senior Civil Judge, Jagityal. Learned Senior Civil Judge, Jagityal is hereby directed to dispose of the matter as early as possible, preferably, within six months from the date of filing of counter. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

18.08.2015.

Rns

[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

[\[2\]](#) 2001(7) Supreme 96

[\[3\]](#) AIR 2002 SC 396