

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

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Tr.C.M.P. No.512 of 2014

Between:

Y.Salomi Swapna

.. Petitioner

and

Perimalla Raju

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.512 of 2014

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw D.O.P.No.20 of 2014 from the file of the Principal District Judge, Kurnool and transfer the same to the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar or any other District Judge Court of Ranga Reddy District for disposal in accordance with law.

2. Heard the learned counsel for the petitioner.

3. In spite of service of notice, the respondent did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

4. The marriage of the petitioner was performed with the respondent on 24.05.2001 at CSI Church, Kurnool as per Christian Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with two sons. The respondent is facing trial in C.C.No.354 of 2013 on the file of X Metropolitan Magistrate, Cyberabad at Malkajgiri for the offences punishable under Sections 498-A and 506 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The petitioner also filed D.V.C. under the Protection of Women from Domestic Violence Act, 2005. The respondent filed D.O.P.No.20 of 2014 on the file of the Principal District Judge, Kurnool for dissolution of marriage between him and the petitioner. Due to disputes, the petitioner has been residing in her parents' house at Hyderabad along with her two sons. It may not be possible for the petitioner to travel from Hyderabad to Kurnool to prosecute D.O.P.No.20 of 2014. Invariably, the respondent has to

attend the criminal Courts at Malkajgiri in view of pendency of C.C.No.354 of 2013 and D.V.C. case. Even if the petition is allowed, the same may not cause any prejudice to the rights of 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 to the wife and children.

5. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay and another**^[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 the relief sought by the petitioner deserves to be allowed.

7. As per the recitals of D.O.P.No.20 of 2014, the respondent is working as Sub-treasury Officer at Kurnool. At the time of arguments, the learned counsel for the petitioner submitted that at present, the respondent is working at Atmakur and therefore, petitioner sent the notice to Atmakur. It is an admitted fact that the respondent is working as Sub-treasury Officer. It may not be possible for the respondent to attend the District Court at Ranga Reddy District at L.B.Nagar on each and every date of adjournment in view of nature of his employment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. D.O.P.No.20 of 2014 is withdrawn from the file of the Principal District Court, Kurnool and transferred to the file of the Principal District Court, Ranga Reddy District at L.B.Nagar for disposal in accordance with

law. The Principal District Judge, Ranga Reddy District at L.B.Nagar is hereby directed to dispense with the presence of the respondent/husband in connection with D.O.P.No.20 of 2014 on each and every date of adjournment. However, the respondent shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

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Date: 23.07.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

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

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