

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.131 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.1849 of 2014 from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the file of the Family Court, Nizamabad, to dispose of the same in accordance with law.

2. I have perused the material available on record and heard both counsels.

3. The facts leading to filing of the present petition are briefly as follows:

The marriage of the petitioner was performed with the respondent on 15.08.2014 at Nizamabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined with the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, V Town, Nizamabad, registered a case in Crime No.177 of 2014 against the respondent and others for the offence punishable under Sections 463, 468 and 509 IPC. It appears the petitioner also filed D.V.C. against the respondent, of course, the same is not numbered. The respondent filed O.P.No.1849 of 2014 on the file of Family Court, Ranga Reddy to declare the marriage between the petitioner and respondent as null and void. The respondent filed O.P.No.16 of 2015 on the file of the Family Court, Nizamabad for restitution of conjugal rights.

4. Unfortunately, disputes arose between the petitioner and the respondent and they lived together hardly for a period of seven days. The petitioner and respondent approached civil and criminal courts for redressal. It is not uncommon to make allegations and counter allegations in matrimonial cases to gain sympathy of the Court. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. Hence, I am not inclined to express any opinion with regard to

the allegations and counter allegations made by each other. If the petition is dismissed, it may cause untold hardship and inconvenience to the petitioner when compared to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia**, and **Sumita Singh v. Kumar Sanjay**, 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 Miscellaneous Petition is allowed. O.P.No.1849 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of the Family Court, Nizamabad, for disposal in accordance with law. The learned Judge, Family Court, Nizamabad is hereby directed to dispose of the matter as early as possible.

Miscellaneous petitions pending if any, in this transfer civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:16.06.2015.

Rns