

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.513 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.41 of 2015 from the file of the Senior Civil Judge, Bhongir, Nalgonda District, and transfer the same to Family Court, Warangal.

2. As directed by this Court on 09.09.2015, the petitioner sent notice to the respondent. In spite of service of notice, respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to dispose of the matter on merits in the absence of the respondent. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 12.06.2014 at Chagal village of Warangal District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Warangal City, registered a case in Crime No.122 of 2015 against the respondent and others for the offences punishable under Section 498-A, 506 IPC and 3 and 4 of the Dowry Prohibition Act. The respondent filed O.P.No.41 of 2015 on the file of the Senior Civil Judge Court, Bhongir, Nalgonda District, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Chagal village, Warangal District, due to misunderstandings between her and the respondent. Even as per the averments made in O.P.No.41 of 2015 also, the petitioner is a resident of Chagal village. The distance between Warangal and Bhongir is around 100 kilometers. The petitioner may face some difficulty to travel from Warangal to Bhongir in order to prosecute O.P.No.41 of 2015. Invariably, the respondent has to attend the Judicial Magistrate of First Class Court at Warangal in view of pendency of Crime No.122 of 2015. If the petition is not

allowed, the same may cause untold hardship to the petitioner. While deciding the petitions of this nature, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the parties to the proceedings, more particularly, the wife.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay, Rachna Kanodia v. Anuk Kanodia** and **V.Sailaja v V.Koteswara Rao** 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.41 of 2015 is withdrawn from the file of the Senior Civil Judge Court, Bhongir, Nalgonda District, and transferred to the file of Family Court, Warangal, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

05.10.2015.

Rns