

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.445 of 2013

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.838 of 2013 from the Family Court, City Civil Courts, Hyderabad and transfer the same to the Family Court, Warangal for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner is facing much difficulty to attend the Family Court at Hyderabad. Learned counsel for the respondent submitted that the present petition is filed with an ulterior motive to harass the respondent. He further submitted that there is life threat to the petitioner if he comes to Warangal.

3. The facts leading to filing of the present petitioner are briefly as follows: The marriage of petitioner was performed with the respondent on 15.8.1976 at Yadagirigutta, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, they were blessed with a son and a daughter. They performed the marriages of their children. Unfortunately, the husband of the daughter of petitioner and respondent died. In order to look after the welfare of the daughter, the petitioner and respondent adopted their grandson (son of widowed daughter). The respondent has voluntarily retired from service on 08.9.2007. For one reason or the other, disputes arose between the petitioner and respondent.

4. While things stood thus, the respondent filed O.P. No.838 of 2013 on the file of the Family Court, City Civil Courts, Hyderabad against the petitioner for dissolution of the marriage between them. The petitioner is aged about 54 years and the respondent is aged about 60 years. Today, this court dismissed Tr.CMP No.170 of 2013 filed by the respondent herein for transfer of O.S.No.535 of 2013 from the file of I Additional District Judge, Warangal. Invariably, the respondent has to attend the Court at Warangal to defend the said suit filed by the wife. It is also an admitted fact that the respondent hails from Kazipet of Warangal District. For one reason or the other, the respondent has been residing at Hyderabad. While disposing of this type

of petitions, the court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, 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 it is a fit case to transfer O.P. No.838 of 2013 from the file of the Family Court, Hyderabad to the file of the Family Court, Warangal.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P.No.838 of 2013 is withdrawn from the file of the Family Court, Hyderabad and transferred to the file of the Family Court, Warangal for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 12.06.2015.

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