

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.448 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.1361 of 2012 from the file of the Family Court, City Civil Court, Hyderabad, and transfer the same to Senior Civil Judge Court, Siricilla, Karimnagar District.

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

3. The marriage of the petitioner was performed with the respondent on 13.11.2010 at Namapur village, Mustabad Mandal, Karimnagar District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with one daughter. The respondent is facing trial in C.C.No.38 of 2013 on the file of the Judicial Magistrate of First Class, Siricilla for the offences punishable under Section 498-A IPC and 3 and 4 of Dowry Prohibition Act. The respondent filed F.C.O.P.No.1361 of 2012 on the file of the Family Court, City Civil Court, Hyderabad, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house at Namapur village, Mustabad Mandal, Karimnagar District, due to misunderstandings between her and the respondent. Even as per the averments made in O.P.No.1361 of 2012 also, the petitioner is a resident of Namapuram village. The distance between Siricilla and Hyderabad is around 150 kilometers. The petitioner may face some difficulty to travel 150 kilometers from Siricilla to Hyderabad along with her daughter in order to prosecute O.P.No.1361 of 2012. Invariably, the respondent has to attend the Court of Judicial Magistrate of First Class, at Siricilla in view of pendency of C.C.No.38 of 2013. 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 and children.

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. F.C.O.P.No.1361 of 2012 is withdrawn from the file of the Family Court, City Civil Court, Hyderabad, and transferred to the file of the Senior Civil Judge Court, at Siricilla, Karimnagar District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

12.10.2015.

Rns