

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.134 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.681 of 2014 from the file of Family Court, City Civil Courts, Hyderabad and transfer the same to the Court of Senior Civil Judge, Tadepalligudem, West Godavari District, for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 09.12.2003 at Tadepalligudem, West Godavari District, as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. The respondent and others are facing trial in C.C. No.618 of 2013 on the file of I Additional Judicial First Class Magistrate, Tadepalligudem, for the offence punishable under Section 498-A IPC. The respondent earlier filed O.P. No.1072 of 2013 on the file of Family Court, City Civil Courts, Hyderabad for restitution of conjugal rights and had withdrawn the same. The respondent now filed O.P. No.681 of 2014 on the file of Family Court, Civil Courts, Hyderabad for dissolution of the marriage between him and the petitioner.

4. Due to the misunderstandings, the petitioner has been residing at her parents' house at Tadepalligudem. The distance between Tadepalligudem and Hyderabad is around 370 KMs. It may not be possible for the petitioner to travel 370 KMs without assistance of one of the male members of the family. Invariably, the respondent has to attend I Additional Judicial First Class Magistrate, Tadepalligudem in connection with C.C. No.618 of 2013. 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 the wife. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 cases cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer CMP is allowed. O.P. No.681 of 2014 is withdrawn from the file of Family Court, City Civil Courts, Hyderabad and transferred to the Court of Senior Civil Judge, Tadepalligudem, West Godavari District, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 17.7.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96