

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.22 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.997 of 2013 from the file of the Family Court, City Civil Court, Hyderabad and transfer the same to the Family Court, Tirupathi, Chittoor District.

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

3. The marriage of the petitioner was performed with the respondent on 16.02.2008 at Devapur, Adilabad 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 the respondent were blessed with one son. The petitioner filed O.P. No.997 of 2013 on the file of the Family Court, City Civil Court, Hyderabad for dissolution of marriage between her and the respondent.

4. The petitioner originally belongs to Nellore District, whereas, the respondent hails from Nuzvid of Krishna District. At the time of filing of the petition, the petitioner was working as Accounts Officer in Priyadarshini Spinning Mills. After filing of the petition, the petitioner got job in HDFC Bank at Tirupathi Branch. At present, the petitioner along with her son is residing at Tirupathi.

5. At the time of argument, the learned counsel for the respondent in all fairness admitted that the petitioner is working in HDFC Bank, Tirupathi Branch at Tirupathi. It may not be possible for the petitioner to travel from Tirupathi to Hyderabad along with her son in order to prosecute O.P.No.997 of 2013. It may not be possible for the petitioner to get leaves frequently in order to attend the Family Court at Hyderabad. The petitioner filed an undertaking that she will not file similar type of petitions even if she was transferred from Tirupathi to

any other place in the State of Andhra Pradesh and Telangana.

6. At the time of arguments, the learned counsel for the respondent submitted that the respondent is residing in Hyderabad in view of his employment.

7. As per the recitals of O.P.No.997 of 2013, the respondent is residing at Nuzvid of Krishna District. If the petition is dismissed, it may cause untold hardship to the petitioner and her children. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

8. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao** ^[1], **Sumita Singh v. Kumar Sanjay** ^[2] and **Rachna Kanodia v. Anuk Kanodia** ^[3], 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 the relief sought by the petitioner can be granted.

9. As rightly pointed out by the learned counsel for the respondent it may not be possible for the respondent to attend the Family Court, Tirupathi, Chittoor District in O.P.No.997 of 2013 on each and every date of adjournment in view of his nature of employment. Even if the presence of the respondent is dispensed with no prejudice would be caused to the petitioner.

10. For these reasons, O.P.No.997 of 2013 is withdrawn from the file of the Family Court, City Civil Court, Hyderabad and transferred to the Family Court, Tirupathi, Chittoor District. The Family Court, Tirupathi is hereby directed to dispense with the presence of respondent/husband for each and every date of adjournment. However, the respondent shall appear as and when the Court feels

that his presence is so required.

11. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 22.07.2015.

Gv/

[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

[\[2\]](#) AIR 2002 SC 396

[\[3\]](#) 2001 (7) Supreme 96