

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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Transfer C.M.P.No.367 of 2015

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Between:

Muddam Samatha,

.. Petitioner

And

Muddam Indra Sagar

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE T. SUNIL
CHOWDARY**

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals
3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.367 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw

O.P.No.1440 of 2014 from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to Family Court, Karimnagar, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 30.01.2011 at Adarsh Nagar, Karimnagar, 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 a son. The respondent is facing trial in D.V.C.No.60 of 2015 on the file of the Additional Judicial Magistrate of First Class, at Karimnagar. The respondent filed O.P.No.1440 of 2014 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar, for dissolution of marriage between him and the petitioner.

4. The petitioner along with her son has been residing at her parents house in Karimnagar due to misunderstandings between her and the respondent. The distance between Karimnagar and Hyderabad is nearly 180 kilometers. The petitioner may face some difficulty to travel 180 kilometers to prosecute O.P.No.1440 of 2014 at Family Court, Ranga Reddy District. Invariably the respondent has to attend the criminal Court at Karimnagar in view of pendency of D.V.C.No.60 of 2015. In O.P.1440 of 2014 it is clearly mentioned that the petitioner is native of Karimnagar Town. 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 and the children.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[3], 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. As rightly pointed out by the learned counsel for the respondent, the respondent may face some difficulty to attend the Family Court at Karimnagar on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.1440 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transferred to the file of the Family Court, Karimnagar, for disposal in accordance with law. The presence of the respondent/husband before the Family Court, Karimnagar in connection with O.P.No.1440 of 2014, on each and every date of adjournment, is hereby dispensed with. However, he shall appear before the Family Court, Karimnagar, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

11.08.2015.

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- [\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
- [\[2\]](#) 2001(7) Supreme 96
- [\[3\]](#) AIR 2002 SC 396