

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.391 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.694 of 2015 from the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad and transfer the same to the file of Family Court, Nalgonda 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 29.8.2013 at M.R.R. Gardens, Choutuppal, Nalgonda District, as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with one daughter. Basing on the complaint lodged by the petitioner, the Station House Officer, Bhongir Town Police Station registered a case in Crime No.57 of 2015 for the offences punishable under Section 498A IPC and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed O.P. No.694 of 2015 on the file of Family Court, Ranga Reddy District at L.B. Nagar, 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 Bhongir, along with her daughter. The learned counsel for both the parties submitted that the petitioner and the respondent hail from Nalgonda District. The petitioner has been working as Government Teacher at Mallapur near Bhongir. The respondent has been working as a Contract Lecturer in Nizam's College, Hyderabad. It may not be possible for the petitioner to attend

the Family Court at Hyderabad due to the nature of her employment. 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. As rightly pointed out by the learned counsel for the respondent, it may not be possible for the respondent to attend the Family Court, Nalgonda on each and every date of adjournment.

6. Accordingly, the Transfer CMP is allowed. O.P. No.694 of 2015 is withdrawn from the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad and transferred to the file of Family Court, Nalgonda, for disposal in accordance with law. The presence of the respondent before the Family Court, Nalgonda in connection with O.P. No.694 of 2015 on each and every date of adjournment is hereby dispensed with. However, he shall appear before the said Court as and when his presence is specifically required. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 04.8.2015.
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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96

