

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.175 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.178 of 2015 from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the file of the Judge, Family Court, Nizamabad, for disposal in accordance with law.

2. Heard both counsels and perused the affidavit filed in support of the petition and the counter.

3. The marriage of the petitioner was performed with the respondent on 15.06.2012 at Amrutha Gardens, Nizamabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Basing on the complaint of the petitioner, the concerned Station House Officer registered a case in Crime No.61 of 2014 against the respondent and others for the offence punishable under Sections 498-A, 312, 420, 354 IPC read with 120(B) IPC and also under Sections 3 and 4 of the Dowry Prohibition Act. The petitioner also filed D.V.C.22 of 2015 on the file of I Additional Judicial Magistrate of First Class, at Nizamabad against the respondent and others and the same is pending. The respondent filed F.C.O.P.No.178 of 2015 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar for dissolution of marriage between him and the petitioner.

4. A perusal of the record reveals that disputes arose between the parties to the proceedings within two years from the date of marriage. Invariably, the respondent has to attend the criminal court at Nizamabad in C.C.No.487 of 2014 and D.V.C.No.22 of 2015.

5. I am not inclined to express any opinion with regard to the allegations and counter allegations made by the parties to the proceedings as the scope of this petition is very limited. If the petition is dismissed, it may not be possible for the petitioner to travel from Nizamabad to Hyderabad without the assistance of some male person.

6. 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.

7. 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 petitioner is entitled for the relief sought for. Learned counsel for the respondent submitted that the respondent being a Software Engineer, it may not be possible for him to attend the Family Court, at Nizamabad on each and every date of adjournment and prayed the Court to dispense with his presence. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.178 of 2015 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of the Judge, Family Court, Nizamabad, for disposal in accordance with law. The presence of the respondent/husband is hereby dispensed with in F.C.O.P.No.178 of 2015 on the file of the Family Court, Nizamabad, on each and every date of adjournment. However, the respondent/husband shall appear before the Family Court, Nizamabad, as and when his presence is so required. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:22.06.2015.
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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