

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.98 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.81 of 2014 from the file of Senior Civil Judge, Sircilla, Karimnagar District and transfer the same to the file of Senior Civil Judge, Kamareddy, Nizamabad 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 03.12.2008 at Anantha Sai Function Hall, Kamareddy town as per Hindu rites and caste customs. Immediately after the marriage, petitioner joined the respondent to lead marital life. As per the averments made in the petition, they lived together at Kamareddy. Out of lawful wedlock, they were blessed with a son. The respondent filed the O.P. for restitution of conjugal rights.

4. Due to obvious reasons, disputes arose between the petitioner and respondent. The petitioner has been working as Government Teacher at Polkampet Village, Lingampet Mandal, Nizamabad District. As rightly pointed out by the learned counsel for the petitioner, the petitioner being a Government Teacher, it may not be possible for her to defend the O.P. at Sircilla. Apart from official duty, the petitioner has to look after the welfare of her minor son. If the petition is dismissed, it may cause untold hardship and inconvenience to the petitioner. Even if the petition is allowed, the same may not cause prejudice to the respondent. While disposing of this type of petitions, the court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, 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.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P. No.81 of 2014 is withdrawn from the file of the Senior Civil Judge, Sircilla, Karimnagar District and transferred to the file of the Senior Civil Judge Court, Kamareddy, Nizamabad District for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 18.6.2015.

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