

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.523 of 2015

ORDER:

This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.211 of 2015 from the file of Additional Family Court, City Civil Court, Hyderabad and transfer the same to the file of Family Court (VI Additional District Court), Khammam.

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

3. The marriage of the petitioner was officiated with the respondent on 18.8.2008 at Musheerabad, Hyderabad as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with three children. The respondent filed O.P. No.211 of 2015 on the file of Additional Family Court, City Civil Court, Hyderabad for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing at Burgampahad of Khammam District in view of her employment. The learned counsel for both the parties, in one voice, submitted that the children are residing with the petitioner. The distance between Burgampahad and Hyderabad is around 300 KMs. The petitioner may face some difficulty to travel from Burgampahad to Hyderabad in order to prosecute O.P. No.211 of 2015.

5. While deciding the petitions of this nature, the court has to take into consideration the inconvenience likely to be caused to the wife and children. As per the principle enunciated in **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 cases cited supra, I am of the considered view that the petitioner deserves the relief as sought for.

6. As rightly pointed out by the learned counsel for the respondent, respondent may face some difficulty to attend the Family Court, Khammam on each and

every date of adjournment. Even if the presence of the respondent, as urged by the learned counsel for the respondent, is dispensed with, no prejudice will be caused to the petitioner.

7. In the result, the petition is allowed. O.P.No.211 of 2015 is withdrawn from the file of Additional Family Court, City Civil Court, Hyderabad and transferred to the file of Family Court (VI Additional District Court), Khammam for trial and disposal in accordance with law. The presence of the respondent before the Family Court, Khammam in connection with O.P. No.211 of 2015 is hereby dispensed with for each and every date of adjournment. However, he shall appear before the Family Court, Khammam as and when his presence is so required. The Family Court, Khammam is hereby directed to dispose of the matter as expeditiously as possible after appearance of the parties. Miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 08.10.2015

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