

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP No.322 of 2014

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw F.C.O.P.No.213 of 2014 from the file of the Family Court, City Civil Court at Secunderabad and transfer the same to the Senior Civil Judge Court, Siddipet for disposal in accordance with law.

2. Heard both counsel.

3. A perusal of the record reveals that the marriage of the petitioner with the respondent was performed on 25.11.2010 at TTD Kalyana Mandapam at Siddipet 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 the respondent were blessed with a son on 02.01.2013. The petitioner filed M.C.No.10 of 2014 on the file of the Judicial First Class Magistrate, Siddipet seeking maintenance from the respondent. The petitioner also filed DVC No.12 of 2014 against the respondent and others and the same is pending on the file of the Judicial First Class Magistrate, Siddipet. The respondent filed F.C.O.P.No.213 of 2014 on the file of the Family Court, City Civil Court, Secunderabad for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing along with her son at Siddipet at her parents' house since 2013 due to family disputes. The respondent has to attend the Judicial First Class Magistrate Court at Siddipet in M.C.No.10 of 2014 and DVC No.12 of 2014. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself, her son and to travel from Siddipet to Hyderabad. Learned counsel for the respondent submitted that there is a life threat to the respondent if he visits Siddipet. As observed earlier, the respondent has to attend the criminal Court in view of pendency of two matters referred to above. It is not uncommon to take this type of stand

for the reasons best known to the parties to the proceedings. The contention of the respondent is not supported by any material much less cogent and convincing material. 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. 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**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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 Civil Miscellaneous Petition is allowed. F.C.O.P.No.213 of 2014 is withdrawn from the file of the Family Court, City Civil Court, Secunderabad and transferred to the Senior Civil Judge Court, Siddipet for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

-

T.SUNIL CHOWDARY, J.

Date: 23.06.2015.

GvI

^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96