

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.681 of 2014

ORDER:

This petition is filed under Section 24 of CPC to withdraw O.P.No.876 of 2013 from the file of the Family Court, Cyberabad at L.B. Nagar, Ranga Reddy District and transfer the same to the Family Court, Warangal for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 02.11.2011 at Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C.No.91 of 2013 on the file of the Family court, Warangal seeking maintenance from the respondent. The respondent filed O.P.No.876 of 2013 on the file of the Family Court, Cyberabad at L.B. Nagar for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Warangal due to misunderstandings between her and the respondent. The distance between Warangal and Hyderabad is around 200 KMs. Filing of the maintenance petition by the petitioner indicates her financial status. It may not be possible for the petitioner to travel from Warangal to Hyderabad in order to defend O.P.No.876 of 2013. Invariably, the respondent has to attend the Family Court at Warangal in view of pendency of M.C.No.91 of 2013. 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 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, to the wife.

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.

6. Learned counsel for the respondent submitted that the respondent may face some difficulty to attend the Family Court, Warangal, on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.876 of 2013 is withdrawn from the file of the Family Court, Cyberabad at L.B. Nagar, Ranga Reddy District and transferred to the Family Court, Warangal, for disposal in accordance with law. The presence of the respondent/ husband before the Family Court, Warangal in connection with O.P.No.876 of 2013, on each and every date of adjournment, is hereby dispensed with. However, he shall appear before the Family Court, Warangal, as and when his presence is so required.

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

Date: 28.10.2015.

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[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96