

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.120 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.73 of 2014 from the file of the Senior Civil Judge Court, Jagityal, Karimnagar District and transfer the same to the file of Family Court, Nizamabad, for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that it may not be possible for the petitioner to go to Nizamabad to prosecute the case due to financial problems. Learned counsel for the respondent submitted that the petitioner filed the present petition with an intention to harass the respondent.

3. I have perused the material available on record and heard both counsel.

4. The facts leading to filing of the present petition are briefly as follows: The marriage of the petitioner was performed with the respondent on 25.08.2013 at Bharathi Gardens, Nizamabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. On 27.09.2014, the petitioner lodged a complaint to the Station House Officer, Nizamabad, who in turn registered a case in Crime No.90 of 2014 against the respondent under Section 498-A IPC. The learned I Additional Judicial First Class Magistrate, Nizamabad, has taken the cognizance against the respondent and others for the offence under Section 498-A IPC and numbered the same as C.C.No.872 of 2015. The respondent filed O.P.No.73 of 2014 against the petitioner herein on the file of the Senior Civil Judge Court, Jagityal, for dissolution of marriage between him and the petitioner.

5. A perusal of the record reveals that disputes arose between the petitioner and the respondent within one year from the date of marriage. The respondent has to attend in C.C.No.872 of 2015 pending on the file of the Judicial First Class Magistrate, Nizamabad. It is not the case of the respondent that the petitioner is having sufficient means to prosecute the case at Jagityal. Learned counsel for the petitioner rightly pointed out that it may not be possible for the petitioner to travel from Nizamabad to

Jagityal without the assistance of some male person.

6. It is needless to say that the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings while deciding this type of cases. If the matter is not transferred to Nizamabad, it may cause untold hardship and inconvenience to the petitioner when compared to the respondent. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia**, and **Sumita Singh v. Kumar Sanjay**, 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 it is a fit case to allow the petition and the petitioner deserves the relief sought by her.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.73 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Jagityal, Karimnagar District and transferred to the file of the Family Court, Nizamabad, for disposal in accordance with law. The Judge, Family Court, Nizamabad, is hereby directed to dispose of the matter as early as possible. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:16.06.2015.

Rns