

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

TRANSFER C.M.P.NO.47 OF 2015

Between:

P.Sirisha.

...PETITIONER

AND

P.Maheswar Reddy @ Mahesh.

...RESPONDENT

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Lordship wish to see the
fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P.NO.47 OF 2015

ORDER:

_____ This petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw O.P.No.1018 of 2014 on the file of the Family Court, Ranga Reddy at L.B.Nagar and transfer the same to the file of the Senior Civil Judge, Gooty, Ananthapur District.

In spite of service of notice, none appeared on behalf of the respondent-husband to contest the matter.

Heard the learned counsel for the petitioner and perused the material available on record.

The marriage of the petitioner was performed with the respondent-husband on 14.05.2011 at Yadiki Town, Ananthapur District, as per Hindu rites and customs. During the wedlock, they were blessed with a female child on 30.04.2012. Basing on the complaint lodged by the petitioner, the Station House Officer, Yadiki, registered a case in Crime No.128 of 2013 against the respondent and others for the offences punishable under Sections 498-A and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The petitioner filed M.C.No.5 of 2014 on the file of the Judicial First Class Magistrate, Tadipatri, Ananthapur District.

Due to the disputes, the petitioner has been residing in Yadiki at her parents' house since 2013 along with her daughter. The distance between Yadiki and Hyderabad is 300 km. It may not be possible for the petitioner to travel 300 km along with her minor daughter to prosecute O.P.No.1018 of 2014 on the file of the Family Court, Ranga Reddy at L.B.Nagar. Invariably, the respondent has to attend the Criminal Court at Tadipatri in view of pendency of M.C.No.5 of 2014 and criminal case.

As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[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 cases cited supra, I am of the considered view that

the petitioner deserves the relief as sought for.

Accordingly, the Transfer C.M.P. is allowed and O.P.No.1018 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy at L.B.Nagar and transferred to the file of the Senior Civil Judge, Gooty, Ananthapur District, for disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending shall stand closed.

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(T.SUNIL CHOWDARY, J)

24th July 2015

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

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

[\[3\]](#) AIR 2003 AP 178