

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

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Tr.C.M.P. No.691 of 2014

Between:

Bedarakota Udaya Sri

.. Petitioner

and

Dr. Masa Raju @ Bala Raju

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

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 his Lordship wishes to see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.691 of 2014

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.58 of 2013 from the file of the Judge, Family Court, Nalgonda and transfer the same to the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 05.11.2009 at K.V.R. Function Hall, Ghatkesar Mandal, Ranga Reddy District as per Hindu Rites and Caste Custom. 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 14.04.2011. Basing on the complaint lodged by the petitioner, the Station House Officer, Gharkesar Police Station registered a case in Crime No.162 of 201 against the respondent and others for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The respondent is also facing trial in D.V.C.No.6 of 2013 on the file of XIII Metropolitan Magistrate Court, Ranga Reddy District at L.B.Nagar. The respondent filed O.P.No.58 of 2014 on the file of the Judge, Family Court, Nalgonda for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Ghatkesar along with her son due to misunderstandings between her and the respondent. The distance between Ghatkesar and Nalgonda is around 100 KM. The petitioner may face some difficulty to attend the

Family Court at Nalgonda. Invariably, the respondent has to attend the different Courts in Ranga Reddy District headquarters in view of pendency of Crime No.162 of 2013 and D.V.C.No.6 of 2013. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While deciding 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 and children.

5. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay and another**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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 deserves to be allowed.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.58 of 2013 is withdrawn from the file of the Judge, Family Court, Nalgonda and transferred to the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for disposal in accordance with law. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 14.08.2015

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^[1] 2013 (6) ALT 42 (SC)

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

[\[3\]](#) AIR 2002 SC 396