

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.284 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.415 of 2015 from the file of Additional Family Court, City Civil Courts, Hyderabad and transfer the same to the file of Family Court, Mahabubnagar, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear before this court to oppose the petition. 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 07.12.2014 at Atchampet, Mahabubnagar District, as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P. No.415 of 2015 on the file of Additional Family Court, City Civil Courts, Hyderabad, to declare the marriage between him and the petitioner as null and void.

4. The petitioner and the respondent lived together for a short period, after the marriage. The petitioner has been residing at Atchampet at her parents' house due to misunderstandings between her and the respondent. The distance between Atchampet and Hyderabad is about 200 KMs. It may not be possible for the petitioner to travel from Atchampet to Hyderabad without the assistance of one of the male members of the family. While deciding the petitions of this nature, the court has to take into consideration the inconvenience likely to be caused to the wife. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

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. Accordingly, the Transfer CMP is allowed. O.P. No.415 of 2015 is withdrawn from the file of Additional Family Court, City Civil Courts, Hyderabad and transferred to the file of Family Court, Mahabubnagar, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 09.7.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96