

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No.738 of 2015

ORDER:

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This petition is filed by the petitioner/wife for transfer of O.P.No.723 of 2014 filed by the respondent/husband for grant of divorce pending on the file of Additional Family Court at City Civil Courts, Hyderabad to the Family Court, Karimnagar.

The case of the petitioner is that the marriage of the petitioner was performed with the respondent on 09-02-2007 at Shalimar function hall, Karimnagar District as per rites and customs in the community. After six months of marriage, the respondent started harassment with the instigation of his family members demanding additional dowry. In the meantime, the respondent got job in Toyota showroom at Hyderabad, where the petitioner joined his society. Out of their wedlock, they were blessed with one female child and thereafter, the respondent aggravated his harassment with a demand to bring additional dowry. It is further stated that the petitioner has filed complaint, which is registered in Cr.No.144 of 2014, dated 11-10-2014 for the offences punishable under Sections 498-A, 506 IPC and Sections 3 and 4 of Dowry Prohibition Act. After charge sheet is filed, the same is numbered as C.C.No.1250 of 2015 and the said proceedings are pending on the file of Additional Judicial Magistrate of First Class at Karimnagar. As the respondent is not maintaining the petitioner, the petitioner filed M.C.No.7 of 2014 under Section 125 Cr.P.C. for grant of maintenance, which is also pending on the file of Additional Judicial Magistrate of First Class, Karimnagar and the respondent has been attending the courts at

Karimnagar for defending the above cases. The petitioner has been residing along with her parents who are having meagre income and she is having eight years daughter, who is school going at Karimnagar. As such, the petitioner is not able to travel all the way from Karimnagar to Hyderabad to defend OP.NO.723 of 2014 filed by respondent/husband.

Though notice is issued and served on the respondent, no counter affidavit is filed.

Heard learned counsel for the petitioner.

The above facts, which are made in support of the Transfer petition goes to show that already two cases are pending before the Court at Karimnagar and the respondent has been attending the said Court. On the other hand, the petitioner has eight years old daughter living along with her parents who are having meagre income. In view of the Apex Court judgment of **Sumita Singh v.Kumar Sanjay and another**^[1] holding that in considering transfer petitions in matrimonial proceedings, convenience of a wife be looked into.

In view of the above facts and circumstances, it is just and proper to withdraw OP.NO.723 of 2014 from the file of Additional Family Courts at City Civil Courts, Hyderabad and transfer the same to the Family Court at Karimnagar.

Accordingly, the Transfer C.M.P. is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

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