

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.86 of 2017

ORDER:

This petition is filed under Section 24(1) of C.P.C. seeking to withdraw F.C.O.P.No.4 of 2017 from the file of the Family Court-cum-Additional District and Sessions Judge at Karimnagar and transfer the same to the file of the Court of the Senior Civil Judge at Siddipet.

2. In spite of service of notice, the respondent did not choose to appear and contest the petition. Hence, this Court is inclined to dispose of the matter on merits.

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

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 17.03.2012 at Siddipet, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent at Karimnagar to lead marital life. Due to one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Siddipet. Basing on the complaint lodged by the petitioner, the Station House Officer, Siddipet-I Town Police Station, registered a case in Crime No.148 of 2016 against the respondent and others for the offences punishable under Sections 307 and 498-A of I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The petitioner filed D.V.C.No.10 of 2016 on the file of the Additional Judicial First

Class Magistrate at Siddipet against the respondent. While things stood thus, the respondent filed F.C.O.P.No.4 of 2017 on the file of the Family Court-cum-Additional District and Sessions Judge at Karimnagar, under Section 13(1)(ia) and (2) of the Hindu Marriage Act, 1955, against the petitioner for dissolution of marriage between them. It is the case of the petitioner that she is not in a position to travel from Siddipet to Karimnagar in order to prosecute F.C.O.P.No.4 of 2017. Invariably, the respondent has to attend the Criminal Courts at Siddipet in view of pendency of D.V.C.No.10 of 2016 and criminal case. 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 Sreekanth¹, Rachna Kanodia v. Anuk Kanodia²** and **Sumita Singh v. Kumar Sanjay and another³**, 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. F.C.O.P.No.4 of 2017 is withdrawn from the file of the Family Court-cum-Additional District and Sessions Judge at

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

Karimnagar and transferred to the file of the Court of the Senior Civil Judge at Siddipet, 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.

T.SUNIL CHOWDARY, J

Date: 04.04.2017

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