

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.725 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.3 of 2015 from the file of the II Additional Senior Civil Judge at Warangal and transfer the same to the file of the Family Court at Karimnagar.

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

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 15.11.2008 in karimnagar Town, 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 respondent were blessed with a son on 30.09.2012. Due to one reason or other, disputes arose between the petitioner and respondent. Therefore, the petitioner has been residing at her parents' house in Karimnagar since 2014. While so, the respondent herein filed O.P.No.3 of 2015, under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, on the file of the II Additional Senior Civil Judge at Warangal against the petitioner for dissolution of marriage between them. The petitioner also filed D.V.C.No.2 of 2015 on the file of the Additional Judicial Magistrate of First Class at Karimnagar against the respondent.

5. It is the case of the petitioner that she is not in a position to travel from Karimnagar to Warangal along with her son in order to

prosecute O.P.No.3 of 2015. Invariably, the respondent has to attend the Criminal Court at Karimnagar in view of pendency of D.V.C.No.2 of 2015. 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.

6. 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.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.3 of 2015 is withdrawn from the file of the II Additional Senior Civil Judge at Warangal and transferred to the file of the Family Court at Karimnagar for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 21.03.2017
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¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396