

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.395 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.723 of 2016 from the file of the V Additional District Judge, Ranga Reddy District at L.B.Nagar and transfer the same to the file of the Family Court, Nalgonda.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to dispose of the matter 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 14.02.2013 at IMA Hall, Kranthi Nagar, Nalgonda, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to one reason or other, disputes arose between the petitioner and the respondent. Both sides elders intervened and pacify the matter. Due to obvious reasons, again disputes arose between the petitioner and respondent. Therefore, the petitioner has been residing at her parents' house in Nalgonda. The respondent filed F.C.O.P.No.723 of 2016, under Section 13(1)(a) of the Hindu Marriage Act, 1955, on the file of the V Additional District Judge, Ranga Reddy District at L.B.Nagar against the petitioner for dissolution of marriage between him and the petitioner.

5. At the time of arguments, the learned counsel for the petitioner submitted that basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Nalgonda, registered a case in Crime No.7 of 2017 against the respondent and others for the offences punishable under Section 498-A of I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

6. Even as per the recitals in F.C.O.P.No.723 of 2016, the petitioner has been residing in Nalgonda Town. The petitioner may face some difficulty to travel from Nalgonda to Hyderabad in order to prosecute F.C.O.P.No.723 of 2016. 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.

7. 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.

8. 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.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.723 of 2016 is withdrawn from the file of the

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

V Additional District Judge, Ranga Reddy District at L.B.Nagar, and transferred to the file of the Family Court, Nalgonda, for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 20.03.2017
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