

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.867 of 2016

ORDER:

This petition is filed under Section 24 C.P.C., seeking to withdraw F.C.O.P.No.1483 of 2016 pending on the file of the Judge, Family Court – cum – IV Additional District Judge Court, Panga Reddy District at L.B.Nagar, and transfer the same to the court of Judge, Family Court, Warangal, for disposal in accordance with law.

2. Heard both the counsel.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 14.05.2015 at MSA Jewel gardens, Karimabad, Warangal District as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Unfortunately bad weather prevailed in the family life of the petitioner and the respondent, due to which the petitioner has been residing at her parents house in Warangal District. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Warangal City registered a case in Crime No.96 of 2016 under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act against the respondent and his family members. The petitioner also filed M.C.No.18 of 2016 under Section 125 Cr.P.C. on the file of the Judge, Family Court, Warangal. She also filed DVC (SR) No.2098 of 2016 on the file of

the VI Munsif Magistrate Court, Warangal. There is no material on record to establish that the petitioner is having any source of income. The petitioner may feel some difficulty to travel from Warangal to Ranga Reddy District to prosecute O.P.1483 of 2016. Invariably, the respondent has to attend the Family Court and Criminal Court at Warangal.

4. 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, the wife and the children. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in *V.Sailaja v V.Koteswara Rao*¹, *Rachna Kanodia v. Anuk Kanodia*², and *Sumita Singh v. Kumar Sanjay*³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am inclined to allow the petition.

¹ AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

² 2001(7) Supreme 96

³ AIR 2002 SC 396

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1483 of 2016 is withdrawn from the file of the Judge, Family Court-cum-IV Additional District Judge, Panga Reddy District at L.B.Nagar, and transferred to the file of the Judge, Family Court, Warangal, for disposal in accordance with law. The presence of the respondent herein is dispensed with in F.C.O.P.No.1483 of 2016 on each and every date of adjournment. However, he shall appear before the Family Court, Warangal, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

27th February 2017
Fns

T.SUNIL CHOWDARY, J

