

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.143 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., seeking to withdraw H.M.O.P.No.26 of 2017 on the file of the Additional Senior Civil Judge, Tenali, and transfer the same to any other Court, Ranga Reddy District or City Civil Court, Hyderabad, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Heard the learned counsel for the petitioner and perused the material available on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 09.12.2012 at N.V.R.Kalyana Mandapam, Tenali, 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 respondent, therefore, the petitioner has been residing at her parents house at Rajendranagar, Hyderabad.

4. A perusal of the record reveals that the respondent herein filed H.M.O.P.No.26 of 2017 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, against the petitioner under Section 13(1)(ia)(ib) of the Hindu Marriage Act, for dissolution of marriage between them. It is the case of the petitioner that she is not in a position to travel from Hyderabad to Tenali without the assistance of one of the male members of the family in order to prosecute H.M.O.P.No.26 of 2017. Even as per the recitals in H.M.O.P.No.26 of 2017, the petitioner is the permanent resident of Rajendranagar, Hyderabad, Ranga Reddy District.

5. 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.

6. As per the principle enunciated in *V.Sailaja v V.Koteswara Rao*<sup>1</sup>, *Rachna Kanodia v. Anuk Kanodia*<sup>2</sup>, and *Sumita Singh v. Kumar Sanjay*<sup>3</sup>, 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 petitioner deserves the relief sought for.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.26 of 2017 is withdrawn from the file of the Additional Senior Civil Judge, Tenali, and transferred to the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

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T.SUNIL CHOWDARY, J

10<sup>th</sup> April 2017  
Pns

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<sup>1</sup> AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

<sup>2</sup> 2001(7) Supreme 96

<sup>3</sup> AIR 2002 SC 396

