

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.47 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., seeking to withdraw O.P.No.1981 of 2016 on the file of the XV Additional District Judge, Rangareddy District at Miyapur, and transfer the same to Family Court, Khammam, for disposal in accordance with law.

2. Heard both the counsel 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 13.02.2013 at Sri Jagannadha Function Hall, Nelakondapally Village, Khammam District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or other, bad weather prevailed in the family life of the petitioner and respondent, therefore, the petitioner has been residing at her parents house in Khammam.

4. A perusal of the record reveals that the respondent filed O.P.No.1981 of 2016 on the file of the Judge, Family Court, Rangareddy District, at L.B.Nagar, against the petitioner under Section 13(1)(ia)(ib) of the Hindu Marriage Act, for dissolution of marriage between them. Subsequently, the O.P. was transferred to XV Additional District Judge, Rangareddy District at Miyapur for disposal. As per the recitals in F.C.O.P., the petitioner is the

permanent resident of Nelakondapally village of Khammam District. It is the case of the petitioner that she is not in a position to travel from Khammam to Hyderabad in order to prosecute O.P.No.1981 of 2016. The distance between Khammam and Hyderabad is around 250 kilometers.

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, wife and the children.

6. 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.

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. At the time of arguments, learned counsel for the respondent submitted that the presence of the respondent may be dispensed with on each and every date of adjournment before the Family Court, Khammam. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.1981 of 2016 is withdrawn from the file of the XV

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

Additional District Judge, Rangareddy District at Miyapur, and transferred to the file of the Judge, Family Court, Khammam, for disposal in accordance with law. The presence of the respondent before the Family Court, Khammam in connection with O.P.No.1981 of 2016 is dispensed with on each and every date of adjournment. However, he shall appear before the trial Court as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

11th April 2017
Rns

T.SUNIL CHOWDARY, J

