

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.128 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., seeking to withdraw O.P.No.106 of 2016 on the file of the Senior Civil Judge Court, Huzurabad, Karimnagar District, and transfer the same to the Court of Judge, Family Court, Ranga Reddy District, at L.B.Nagar, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Hence, this Court is inclined to dispose of the matter on merits. 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 14.05.2011 at Eppalapally of Shankarapatnam Mandal of Karimnagar 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, disputes arose between the parties to the proceedings, therefore, the petitioner has been residing at her parents house in Saroornagar, Hyderabad.

4. A perusal of the record reveals that the respondent filed O.P.No.106 of 2016 on the file of the Senior Civil Judge, Huzurabad, against the petitioner under Section 13(1)(ia)(ib) of the Hindu Marriage Act, for dissolution of marriage between them. The respondent is facing trial in C.C.No.97 of 2016 on the file of

the XIV Metropolitan Magistrate Court, L.B.Nagar, Ranga Reddy District, for the offence punishable under Sections 498-A IPC and Sections 4 and 6 of Dowry Prohibition Act. A perusal of the record reveals that the petitioner filed M.C.No.230 of 2015 on the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, against the respondent under Section 125 Cr.P.C., claiming maintenance. It is the case of the petitioner that she is not in a position to travel from Hyderabad to Huzurabad without the assistance of one of the male members of the family. Invariably, the respondent has to attend the court of XIV Metropolitan Magistrate and the Family Court, Ranga Reddy District, at L.B.Nagar, in view of pendency of C.C.No.97 of 2016 and M.C.No.230 of 2015 respectively.

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. 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 Rao¹, Rachna Kanodia v. Anuk Kanodia², and Sumita Singh v. Kumar Sanjay³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

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. F.C.O.P.No.106 of 2016 is withdrawn from the file of the Senior Civil Judge Court, Huzurabad, Karimnagar District, 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.

10th April 2017
Rns

T.SUNIL CHOWDARY, J

