

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.478 of 2016

ORDER:

This transfer civil miscellaneous petition is filed under Section 24 of CPC seeking to withdraw O.P.No.717 of 2016 from the file of the XV Additional District Judge-cum-XV Additional Metropolitan Sessions Judge-cum-Additional Family Court, Ranga Reddy District, Kukatpally, at Miyapur and transfer the same to the Family Court, Kurnool.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The facts leading to filing of the transfer petition are as follows: The marriage of the petitioner was performed with the respondent on 21.6.2014 at Kurnool 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; therefore, the petitioner has been residing at her parents' house in Kurnool. While things stood thus, the respondent filed O.P. No.717 of 2016 on the file of the Court of XV Additional District Judge-cum-XV Additional Metropolitan Sessions Judge-cum-Additional Family Court, Ranga Reddy District, Kukatpally, at Miyapur, under Sections 13(1)(ia) & 13(1)(iii) of the Hindu Marriage Act, 1955 for dissolution of the marriage between the petitioner and the respondent.

4. It is the case of the petitioner that she is not in a position to travel from Kurnool to Hyderabad in order to prosecute O.P. No.717 of 2016. The respondent filed counter opposing the transfer petition. In the counter, the respondent has taken a specific plea that the petitioner is suffering from depression and has been taking treatment.

5. If that is so, it may not be possible for the petitioner to travel from Kurnool to Hyderabad without the assistance of one of the male members of the family. It is not the case of the respondent that the petitioner is having any source of income to travel from Kurnool to Hyderabad.

6. 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. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**¹ and **Rachna Kanodia v. Anuk Kanodia**², 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 relief sought by the petitioner can be granted.

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

8. Accordingly, the Transfer CMP is allowed. O.P. No.717 of 2016 is withdrawn from the file of the XV Additional District Judge-cum-XV Additional Metropolitan Sessions Judge-cum-Additional Family Court, Ranga Reddy District, Kukatpally, at Miyapur and transferred to the file of Family Court, Kurnool, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

Date: 07.3.2017
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T. SUNIL CHOWDARY, J

