

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.191 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., seeking to withdraw O.P.No.45 of 2016 on the file of the Court of Senior Civil Judge, Bodhan, Nizamabad District, and transfer the same to the file of Senior Civil Judge, Sricilla, Karimnagar District 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 02.01.2005 at Gambhiraopet village of erstwhile Karimnagar District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with one son and one daughter, aged about 10 and 9 years respectively. Unfortunately, bad weather prevailed in the family life of the petitioner and respondent, therefore, the petitioner has been residing separately.

4. While things stood thus, the respondent filed O.P.No.45 of 2016 on the file of the Senior Civil Judge, Bodhan, against the petitioner under Section 13(1)(ia)(ib) of Hindu Marriage Act, for dissolution of marriage between them. A perusal of the record reveals that the respondent is facing trial in D.V.C.No.11 of 2017

on the file of the Additional Judicial Magistrate of First Class, Sricilla. As per the recitals of O.P., the petitioner is resident of Musthafanagar, Gambhiraopet Mandal of erstwhile Karimnagar District. It is the case of the petitioner that she is not in a position to travel from Gambhiraopet to Bodhan along with her children in order to prosecute O.P.No.45 of 2016. Invariably, the respondent has to attend the Judicial First Class Magistrate Court at Sricilla in view of pendency of D.V.C.No.11 of 2017.

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.

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.

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. O.P.No.45 of 2016 is withdrawn from the file of the Senior Civil Judge, Bodhan, Nizamabad District, and transferred to the file of the Senior Civil Judge, at Sricilla, erstwhile Karimnagar

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

District, for disposal in accordance with law. As a sequel,
miscellaneous petitions, pending if any shall stand closed.

24th April 2017
Fns

T.SUNIL CHOWDARY, J

