

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.354 of 2016

ORDER:

This petition is filed under Section 24 C.P.C., seeking to withdraw O.P.No.1726 of 2015 pending on the file of the IV Additional District and Sessions Judge-cum-1st Additional Family Court Judge, Ranga Reddy District at L.B.Nagar, and transfer the same to the court of Judge, Family Court, Karimnagar District, for disposal in accordance with law.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent 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 12.05.2013 at Jilla Vajramma Kalyanamandapam near Varaha Swamy Temple, Bommakal Road, 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, the petitioner has been residing at her parents house at Ootur village, Manakondur Mandal, Karimnagar District. The respondent herein filed F.C.O.P.No.1726 of 2015 on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Ranga Reddy District, against the petitioner under Section 13(1)(a) of Hindu Marriage Act for dissolution of marriage between them.

4. Absolutely there is no material on record to prove that the petitioner is having any source of income to travel from Karimnagar to Hyderabad. It may not be possible for the petitioner to attend the Family Court at Hyderabad without the help of one of the male family

members. The respondent is facing trial in C.C.No.2055 of 2015 on the file of the Additional Judicial Magistrate of First Class, Karimnagar, for the offences punishable under Section 498-A IPC and 3 and 4 of Dowry Prohibition Act. Invariably, the respondent has to attend the criminal Court at Karimnagar. 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. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. 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.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am inclined to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.1726 of 2015 is withdrawn from the file of the IV Additional District and Sessions Judge-cum-1st Additional Family Court, Ranga Reddy District at L.B.Nagar, and transferred to the file of the Judge, Family Court, Karimnagar, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

21st February 2017
Rns

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

