

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.294 of 2016

ORDER:

This transfer civil miscellaneous petition is filed under Section 24 of CPC seeking to withdraw O.P.No.109 of 2016 from the file of the Family Court, City Civil Courts, Secunderabad and transfer the same to the Court of the Senior Civil Judge, Kamareddy, Nizamabad District.

2. Heard learned counsel for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 03.2.2012 at Balaji Function Hall, Medak Road, Ramayampet, Medak District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of the lawful wedlock, the petitioner and respondent were blessed with a daughter. Due to one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house at Chakalikapuwada, Domakonda Mandal, Nizamabad, along with her daughter. While things stood thus, the respondent filed O.P. No.109 of 2016 on the file of the Family Court, City Civil Courts, Secunderabad, against the petitioner under Section 13(1)(ia) of Hindu Marriage Act, 1955 for dissolution of marriage between them. The efforts made by the elders to resolve the disputes between the petitioner and respondent proved futile. Even as per the allegations made in O.P. No.109 of 2016, the petitioner left the matrimonial home on 18.5.2015 and has been residing with her parents at Chakalikapuwada, Domakonda Mandal, Nizamabad.

The distance between Domakonda to Secunderabad is nearly 230 KMs. It is the case of the petitioner that she is not in a position to travel from Nizamabad to Secunderabad to prosecute O.P. No.109 of 2016 along with her daughter, without assistance of one of the male members of the family.

4. 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 **T.Gayatri Devi v Dr.Tallepaneni Sreekanth¹, Sumita Singh v. Kumar Sanjay² and Rachna Kanodia v. Anuk Kanodia³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

5. 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.

6. Accordingly, the Transfer CMP is allowed. O.P. No.109 of 2016 is withdrawn from the file of the Family Court, City Civil Courts, Secunderabad and transferred to the Court of Senior Civil Judge, Kamareddy, Nizamabad District, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 25.4.2017
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¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396

³ 2001 (7) Supreme 96