

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.811 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.24 of 2016 from the file of the Court of the Senior Civil Judge at Manthani and transfer the same to the file of the Court of the Senior Civil Judge at Sattupalli.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to pass orders on merits.

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 18.06.2009 at Kamanpur of 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. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Sattupalli from 20.10.2014 onwards. The petitioner filed O.P.No.69 of 2016, under Section 13(1)(ia)(ib) of Hindu Marriage Act, on the file of the Court of the Senior Civil Judge, Sattupalli, against the respondent for dissolution of marriage between them. The petitioner filed M.C.No.16 of 2016, under Section 125 Cr.P.C., on the file of the Court of the Judicial First Class Magistrate, Sattupalli, against the respondent seeking maintenance. While things stood thus, the respondent filed

O.P.No.24 of 2016, under Section 9 of Hindu Marriage Act, on the file of the Court of the Senior Civil Judge at Manthani against the petitioner for restitution of conjugal rights.

5. It is the case of the petitioner that she is facing much difficulty to travel from Sattupalli to Manthani along with her son in order to prosecute O.P.No.24 of 2016. Invariably, the respondent has to attend the Courts of Senior Civil Judge, Sattupalli, and Judicial First Class Magistrate, Sattupalli, in view of pendency of O.P.No.69 of 2016 and M.C.No.16 of 2016 respectively. The relief sought in O.P.No.69 of 2016 is comprehensive when compared to the relief sought in O.P.No.24 of 2016.

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 **T.Gayatri Devi v. Dr. Tallepaneni Sreekanth¹, Rachna Kanodia v. Anuk Kanodia²** and **Sumita Singh v. Kumar Sanjay and another³**, 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 deserves to be granted.

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.24 of 2016 is withdrawn from the file of the Court of the Senior Civil Judge at Manthani and transferred to the file of the Court of the Senior Civil Judge at Sattupalli for disposal in accordance with law. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 05.10.2018
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