

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.137 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.172 of 2017 from the file of the Judge, Family Court, Ranga Reddy District at Miyapur, and transfer the same to the file of the Court of the Senior Civil Judge at Huzurabad, Karimnagar District, to try along with O.P.No.127 of 2017.

2. No representation on behalf of the respondent on 26.06.2018; today also no representation on behalf of the respondent even though the matter is listed under the caption 'for orders'. Hence, this Court is inclined to dispose of the matter 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 28.11.2010 in Sri Venkata Sai Gardens and Function Hall at Mulkanoor Village, Bheemadevarapally Mandal, erstwhile Karimnagar District, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a child. Due to family disputes, the petitioner has been residing at her parents' house in Mulkanoor Village. A perusal of the record reveals that the petitioner filed O.P.No.127 of 2017, under Section 9 of the Hindu Marriage Act, on the file of the Court of the Senior Civil Judge at Huzurabad, against the respondent. The petitioner also filed M.C.No.5 of 2017, under Section 125 Cr.P.C., on the file

of the Additional Judicial First Class Magistrate, Husnabad, against the respondent. The respondent filed O.P.No.172 of 2017, under Section 13(1)(ia)(ib) of the Hindu Marriage Act, on the file of the Judge, Family Court, Ranga Reddy District at Miyapur, against the petitioner for dissolution of marriage.

5. It is the contention of the learned counsel for the petitioner that the petitioner is facing much difficulty to attend the Family Court at Miyapur.

6. It is a matter of common knowledge that the petitioner has to take assistance of one of the family members in order to attend the Family Court at Miyapur. Invariably, the respondent has to attend the Court of Senior Civil Judge at Huzurabad, in order to prosecute O.P.No.127 of 2017. Moreover, the petitioner is working as an employee in State Bank of India.

7. 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 Sreekanth**¹, **Rachna Kanodia v. Anuk Kanodia**² and **Sumita Singh v. Kumar Sanjay and another**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

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

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

considered view that the relief sought by the petitioner deserves to be allowed.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.172 of 2017 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District at Miyapur, and transferred to the file of the Court of the Senior Civil Judge at Huzurabad, Karimnagar District, for disposal in accordance with law. There shall be no order as to costs.

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

Date: 04.07.2018
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T.SUNIL CHOWDARY, J

