

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.161 of 2018

ORDER:

This transfer petition is filed under Section 24 of CPC, seeking to withdraw F.C.O.P. No.42 of 2018 from the file of the Family Court, Secunderabad and transfer the same to the file of the Court of Senior Civil Judge, Kamareddy.

2. Heard the learned counsel for the petitioner. No representation on behalf of the respondent.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 26.8.2016 at Ayyappa Kalyanamandapam, Kamareddy, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house in Kamareddy. While the things stood thus, the respondent filed F.C.O.P.No.42 of 2018 on the file of the Family Court, Secunderabad, against the petitioner under Section 13(1)(ia) of the Hindu Marriage Act, for dissolution of the marriage between the petitioner and the respondent.

4. It is the case of the petitioner that she is facing much difficulty to travel from Kamareddy to Secunderabad to attend the Family Court, Secunderabad in order to defend F.C.O.P. No.42 of 2018 filed by the respondent. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner, to travel from Kamareddy to Secunderabad, without the assistance of one of the male members of the family.

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 to the wife and children. As per the principle enunciated in **T.Gayatri Devi v Dr.Tallepaneni Sreekanth**¹, **Sumita Singh v. Kumar Sanjay**² and **Rachna Kanodia v. Anuk Kanodia**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

6. 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.

7. Accordingly, the Transfer CMP is allowed. F.C.O.P.No.42 of 2018 is withdrawn from the file of the Family Court, Secunderabad and transferred to the file of the Court of Senior Civil Judge, Kamareddy, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 08.10.2018
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¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396

³ 2001 (7) Supreme 96