

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.792 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.831 of 2016 from the file of the Court of the Senior Civil Judge at Markapur, and transfer the same to the file of the Family Court, City Civil Court at Hyderabad.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 12.08.2012 at Markapur, 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. 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 in Hyderabad. The petitioner filed a private complaint before the XV Additional Chief Metropolitan Magistrate Court at Hyderabad against the respondent for the offence punishable under Section 498-A I.P.C. read with Sections 4 and 6 of Dowry Prohibition Act. While things stood thus, the respondent filed H.M.O.P.No.831 of 2016, under Section 13(1)(i)(ia)(ib) of Hindu Marriage Act, on the file of the Court of the Senior Civil Judge at Markapur, against the petitioner for dissolution of marriage between them.

4. It is the case of the petitioner that she is facing much difficulty to travel from Hyderabad to Markapur along with her son in order to prosecute H.M.O.P.No.831 of 2016.

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, **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.

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 deserves to be granted.

7. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with before the Family Court, City Civil Court at Hyderabad, on each and every date of adjournment.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.831 of 2016 is withdrawn from the file of the Court of the Senior Civil Judge at Markapur and transferred to the file of the Family Court, City Civil Court at Hyderabad, for disposal in accordance with law. The presence of the respondent in connection with H.M.O.P.No.831 of 2016 on the file of the Family Court, City Civil Court at Hyderabad, is dispensed with on each and every date of adjournment. However, he shall appear before

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

the Family Court as and when his presence is so required. 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: 27.09.2018

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