

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.665 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.1352 of 2016 from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the file of the Court of the Senior Civil Judge at Jagtial, Karimnagar District.

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 27.11.2013 at Virupakshi Gardens, Jagtial, Karimnagar District, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Jagtial, registered a case in Crime No.203 of 2015, for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act, against the respondent and others. The petitioner has been residing at her parents' house in Jagtial due to misunderstandings. While things stood thus, the respondent filed F.C.O.P.No.1352 of 2016, under Section 13(1)(ia) of Hindu Marriage Act, on the file of the Family Court, Ranga Reddy District at L.B.Nagar, 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 Jagtial to Hyderabad in order to prosecute F.C.O.P.No.1352 of 2016. Invariably, the respondent has to attend the Court of I Additional Judicial First Class Magistrate at Jagtial, in view of pendency of the criminal case.

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 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.

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 Court of the Senior Civil Judge, Jagtial, on each and every date of adjournment.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1352 of 2016 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transferred to the file of the Court of the Senior Civil Judge at Jagtial, Karimnagar District, for disposal in accordance with law. The presence of the respondent in connection with F.C.O.P.No.1352 of 2016 on the file of the Court of the Senior Civil Judge at Jagtial, is dispensed with on each and every date of adjournment. However, he shall appear before the trial Court as and when his presence is so required. There shall be no order as to costs.

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

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

T.SUNIL CHOWDARY, J

Date: 04.10.2018
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