

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.356 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.15 of 2018 from the file of the Senior Civil Judge Court, Jangaon, and transfer the same to Senior Civil Judge Court, Huzurabad.

2. Heard the learned counsel appearing for both the parties and perused the material on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 26.02.2012 at Huzurabad, 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 two children. 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 Huzurabad, along with her two children. While things stood thus, the respondent filed H.M.O.P.No.15 of 2018 on the file of Senior Civil Judge Court, Jangaon, against the petitioner under Section 13(1)(1a) of Hindu Marriage Act, for dissolution of marriage between them. It is the case of the petitioner that she is facing much difficulty to travel from Huzurabad to Jangaon in order to prosecute H.M.O.P.No.15 of 2018. As rightly pointed out by the learned counsel for the petitioner, the petitioner may face some difficulty to travel from Huzurabad to Jangaon along with two children.

4. 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, the wife. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**¹, **Rachna Kanodia v. Anuk Kanodia**² and **Sumita Singh v. Kumar Sanjay**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, this Court is of the considered view that the petitioner deserves the relief sought for.

6. Learned counsel for the respondent submitted that the respondent is a government employee; therefore, his presence may be dispensed with on each and every date of adjournment before the Court of Senior Civil Judge, Huzurabad, in connection with H.M.O.P.No.15 of 2018. It is difficult for a government employee to obtain leaves frequently.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.15 of 2018 is withdrawn from the file of the Senior Civil Judge Court, Jangaon, and transferred to the file of Senior Civil Judge Court, Huzurabad, for disposal in accordance with law. The presence of the respondent in connection with H.M.O.P.No.15 of 2018 before the Court of Senior Civil Judge, Huzurabad, is dispensed with on each and every date of adjournment. However, the petitioner shall attend before the

¹ AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

² 2001(7) Supreme 96

³ AIR 2002 SC 396

Senior Civil Judge Court, Huzurabad, as and when his presence is so required.

8. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:10.12.2018

Rns

