

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.742 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.44 of 2016 from the file of the Court of the Senior Civil Judge, Narayanpet, and transfer the same to the Family Court, Secunderabad.

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 06.05.2009 at Thogapur Village, Mahabubnagar 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 the 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 Secunderabad along with her two children. While things stood thus, the respondent filed O.P.No.44 of 2016, under Section 13(1)(ia) of Hindu Marriage Act, on the file of the Court of the Senior Civil Judge, Narayanpet, against the petitioner for dissolution of marriage between them. Even as per the recitals in O.P.No.44 of 2016, the petitioner is working as a Nurse in Tarnaka of Secunderabad.

4. It is the case of the petitioner that she is facing much difficulty to travel from Secunderabad to Narayanpet along with her two children in order to prosecute O.P.No.44 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 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 Family Court, Secunderabad, on each and every date of adjournment.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.44 of 2016 is withdrawn from the file of the Court of the Senior Civil Judge, Narayanpet, and transferred to the Family Court, Secunderabad, for disposal in accordance with law. The presence of the respondent in connection with O.P.No.44 of 2016 on the file of the Family Court, Secunderabad, is dispensed with on each and every date of adjournment. However, he shall appear before 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: 04.10.2018
Ivd

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396