

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.402 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.45 of 2018 from the file of the Court of the Senior Civil Judge, Siddipet, and transfer the same to the file of the Court of the Senior Civil Judge at Nirmal.

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 02.06.2010 at Brundavan Garden at Karimnagar, 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 aged about five years. 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 Nirmal. While things stood thus, the petitioner filed D.V.C.No.19 of 2014 on the file of the Court of the Additional Judicial First Class Magistrate at Nirmal against the respondent. The respondent filed H.M.O.P.No.45 of 2018, under Section 13(1)(ia)&(ib) of Hindu Marriage Act, on the file of the Court of the Senior Civil Judge at Siddipet against the petitioner for dissolution of marriage between them.

4. It is the case of the petitioner that she is facing much difficulty to attend the Court of the Senior Civil Judge, Siddipet, along with her son in order to prosecute H.M.O.P.No.45 of 2018. Invariably, the respondent has to attend the Court of the

Additional Judicial First Class Magistrate at Nirmal, in view of pendency of D.V.C.No.19 of 2014.

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

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.45 of 2018 is withdrawn from the file of the Court of the Senior Civil Judge, Siddipet, and transferred to the file of the Senior Civil Judge at Nirmal, for disposal in accordance with law. The presence of the respondent in connection with H.M.O.P.No.45 of 2018 on the file of the Court of the Senior Civil Judge at Nirmal is dispensed with on each and every date of

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

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.

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

T.SUNIL CHOWDARY, J

Date: 27.09.2018
Ivd

