

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.230 of 2016

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.7 of 2016 pending on the file of the Court of the Senior Civil Judge, Mahabubabad, Warangal District and transfer the same to the Family Court-Cum-Additional District & Sessions Judge, Karimnagar.

2 Heard the learned counsel for both sides and perused the material available on record.

3 The marriage of the petitioner was performed with the respondent on 24.08.2005 at Karimnagar as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and the respondent were blessed with one son and one daughter, who are now aged about 10 years and 4 ½ years respectively. For obvious reasons, disputes arose between the petitioner and the respondent. The petitioner filed D.V.C.No.113 of 2015 against the respondent on the file of the Court of the Judicial Magistrate of First Class, Karimnagar. After filing of the DVC by the petitioner, the respondent herein filed O.P.No.7 of 2016 on the file of the Court of the Senior Civil Judge, Mahabubabad, Warangal District under Section 13 (1) (a) of Hindu Marriage Act for dissolution of the marriage between them.

4 It is not in dispute that the petitioner has been looking after the welfare of her son and daughter. In such circumstances, it is difficult for the petitioner to travel from Karimnagar to Mahabubabad. On the

other hand, the respondent has to appear before the Court of Judicial Magistrate of I Class, Karimnagar in view of pendency of the D.V.C.No.113 of 2015.

5 While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the wife and children. As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay¹, Rachna Kanodia Vs. Anuk Kanodia²**, and **V. Sailaja Vs. V. Koteswara Rao³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 petitioner deserves the relief as sought for.

6 In the result, the petition is allowed, O.P.No.7 of 2016 pending on the file of the Court of the Senior Civil Judge, Mahabubabad, Warangal District is withdrawn from the file of that Court and transferred to Family Court-Cum-Additional District & Sessions Judge, Karimnagar for disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 18.06.2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178