

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.726 of 2016

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.150 of 2016 pending on the file of the Court of the Senior Civil Judge, Tanuku of West Godavari district and transfer the same to the Family Court, City Civil Court, Hyderabad.

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

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 09.03.2008 at Sri Satya Sai School Auditorium as per Hindu rites and caste custom. 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 one daughter. Due to one reason or the other, disputes arose between the petitioner and the respondent. The respondent filed OP No.150 of 2016 under Section 13 (1) (ia) (ib) of Hindu Marriage Act 1955 on the file of the Court of the Senior Civil Judge, Tanuku of West Godavari district against the petitioner for dissolution of marriage between him and the petitioner. The petitioner has been residing in Hyderabad along with her daughter.

4 While deciding the petitions of this nature, the Court has to taken into consideration the convenience of the parties, more particularly, the convenience of the wife. It may not be possible for the petitioner to travel from Hyderabad to Tanuku of West Godavari District. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if

the O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

5 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 and the O.P.No.150 of 2016 pending on the file of the Court of the Senior Civil Judge, Tanuku of West Godavari district is withdrawn from the file of the said Court and the same is transferred to the Additional Family Court, City Civil Court, Hyderabad for disposal in accordance with law. However, the presence of the respondent before the Additional Family Court, Hyderabad in the said O.P. is dispensed with for each and every adjournment. But the respondent shall appear before the said court as and when his presence is so required. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 26.06.2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178