

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.107 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.78 of 2016 from the file of the Court of the Senior Civil Judge, Huzurnagar, Nalgonda District, and transfer the same to the file of the Court of the Senior Civil Judge, Kothagudem, Khammam District.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to pass orders on merits.

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 08.03.2000 at Chinthakuntla Village of Nereducherla Mandal, Nalgonda 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 daughters. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Somulagudem Village, Palvancho Mandal, Khammam District. Basing on the complaint lodged by the petitioner, the Station House Officer, Palvancho Police Station, registered a case in Crime No.227 of 2014 against the respondent and others. The petitioner filed M.C.No.2115 of 2015, under Section 125 Cr.P.C., on the file of the Court of the III Additional Judicial Magistrate of First Class at Kothagudem

against the respondent seeking maintenance. While things stood thus, the respondent filed O.P.No.78 of 2016, under Section 13(1)(ia) of Hindu Marriage Act, on the file of the Court of the Senior Civil Judge at Huzurnagar against the petitioner for dissolution of marriage between them.

5. It is the case of the petitioner that she is facing much difficulty to travel from Palvanha to Huzurnagar in order to prosecute O.P.No.78 of 2016. Invariably, the respondent has to attend the Court of III Additional Judicial Magistrate of First Class, Kothagudem, in view of pendency of M.C.No.2115 of 2015.

6. 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.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.78 of 2016 is withdrawn from the file of the Court

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

of the Senior Civil Judge, Huzurnagar, Nalgonda District, and transferred to the file of the Court of the Senior Civil Judge, Kothagudem, Khammam District, for disposal in accordance with law. 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: 12.10.2018

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