

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.109 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.36 of 2016 from the file of the Senior Civil Judge Court, Medak, and transfer the same to Senior Civil Judge Court, Bodhan, Nizamabad District.

2. Heard the learned counsel appearing for both the parties and perused the record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 01.06.2014 at Lakshmi Gardens, Toopran, Medak District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. 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 Bodhan.

4. Basing on the complaint lodged by the petitioner, the Station House Officer, Bodhan, registered a case in Crime No.442 of 2016 under Section 498-A IPC and Section 4 of Dowry Prohibition Act against the respondent and others.

5. Both the counsel submitted that the petitioner filed D.V.C. against the respondent. As per the submissions made by both the counsel, criminal case and DVC are pending before the Court of Judicial Magistrate of First Class, Bodhan. Invariably, the respondent has to attend the Court of Judicial Magistrate of First Class, Bodhan, in view of pendency of two criminal cases.

It is the case of the petitioner that she is facing much difficulty to travel from Bodhan to Medak, in order to prosecute H.M.O.P.No.36 of 2016 without the assistance of one of the male members of the family. 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, the wife.

6. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao¹, Rachna Kanodia v. Anuk Kanodia²**, and **Sumita Singh v. Kumar Sanjay³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, this Court is of the considered view that it is a fit case to grant the relief sought for by the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.36 of 2016 is withdrawn from the file of the Senior Civil Judge Court, Medak, and transferred to the file of Senior Civil Judge Court, Bodhan, Nizamabad, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:22.11.2018

Rns

¹ AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

² 2001(7) Supreme 96

³ AIR 2002 SC 396

