

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.759 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.36 of 2018 from the file of the Court of the Senior Civil Judge at Asifabad and transfer the same to the file of the Family Court at Karimnagar.

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 26.05.2010 at Choppadandi Village of Karimnagar 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 children. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Choppadandi Village of Karimnagar District. Basing on the complaint lodged by the petitioner, the Station House Officer, Choppadandi Police Station, registered a case in Crime No.97 of 2016 against the respondent for the offences punishable under Sections 498-A and 323 I.P.C., and Sections 3 and 4 of Dowry Prohibition Act. While things stood thus, the respondent filed H.M.O.P.No.36 of 2018, under Section 9 of Hindu

Marriage Act, on the file of the Court of the Senior Civil Judge at Asifabad against the petitioner for restitution of conjugal rights.

5. It is the case of the petitioner that she is facing much difficulty to travel from Choppadandi to Asifabad in order to prosecute H.M.O.P.No.36 of 2018.

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. H.M.O.P.No.36 of 2018 is withdrawn from the file of the Court of the Senior Civil Judge at Asifabad and transferred to the file of the Family Court at Karimnagar for disposal in accordance with law. There shall be no order as to costs.

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

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

T.SUNIL CHOWDARY, J

Date: 24.12.2018
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