

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.716 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.403 of 2016 from the file of the Family Court, City Civil Court at Secunderabad, and transfer the same to the Family Court, Warangal.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 05.06.2011 at Jaya Garden, Ghanpur (Station) Village and Mandal, Warangal 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 a daughter. Due to one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house in Ghanpur Station, Warangal District.

4. At the time of arguments, learned counsel for the petitioner submitted that the respondent is also native of Ghanpur Station, Warangal District. He further submitted that the respondent filed the F.C.O.P. at Secunderabad with an ulterior motive to harass the petitioner.

5. A perusal of the record reveals that the petitioner filed D.V.C.No.37 of 2015 on the file of the Court of the VI Additional Judicial First Class Magistrate at Warangal against the respondent

and others. The record further reveals that basing on the complaint lodged by the petitioner, the Station House Officer, Ghanpur (Station) Police Station, registered a case in Crime No.157 of 2016 for the offences punishable under Sections 498-A, 323, 354-C, 420 and 506 I.P.C. read with Sections 3 and 4 of Dowry Prohibition Act against the respondent. While things stood thus, the respondent filed F.C.O.P.No.403 of 2016, under Section 13(1)(ia) of Hindu Marriage Act, on the file of the Family Court, City Civil Court at Secunderabad, against the petitioner for dissolution of marriage between them.

6. It is the case of the petitioner that she is facing much difficulty to travel from Ghanpur Station, Warangal District, to Secunderabad along with her son in order to prosecute F.C.O.P.No.403 of 2016. Invariably, the respondent has to attend the Court of the VI Additional Judicial First Class Magistrate at Warangal, in view of pendency of D.V.C.No.37 of 2015.

7. 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 Sreekanth¹, Rachna Kanodia v. Anuk Kanodia²** and **Sumita Singh v. Kumar Sanjay and another³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

8. 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.

9. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with before the Family Court, Warangal, on each and every date of adjournment.

10. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.403 of 2016 is withdrawn from the file of the Family Court, City Civil Court at Secunderabad, and transferred to the Family Court, Warangal, for disposal in accordance with law. The presence of the respondent in connection with F.C.O.P.No.403 of 2016 on the file of the Family Court, Warangal, is dispensed with on each and every date of adjournment. However, he shall appear before the Family Court as and when his presence is so required. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 04.10.2018

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