

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.881 of 2017

ORDER:

This transfer civil miscellaneous petition is filed under Section 24 of CPC seeking to withdraw O.P.No.63 of 2017 from the file of the Court of Principal Senior Civil Judge at Mancherial and transfer the same to the file of the Family Court at Warangal.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 25.4.2012 at Warangal, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P. No.63 of 2017 on the file of the Court of Principal Senior Civil Judge at Mancherial, against the petitioner under Section 13(1)(ia) of the Hindu Marriage Act, for dissolution of the marriage.

4. The record reveals that due to the disputes between the petitioner and the respondent, the petitioner has been residing at her parents' house at Warangal. The petitioner filed M.C.No.111 of 2017 on the file of the Family Court, Warangal, against the respondent seeking maintenance. It may not be possible for the petitioner to travel from Warangal to Mancherial, without the assistance of one of the male members of the family.

4. 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, Sumita Singh v. Kumar Sanjay² and Rachna Kanodia

v. Anuk Kanodia³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

5. 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 can be granted. The learned counsel for the respondent submitted that the presence of the respondent may be dispensed before the Family Court, Warangal, on each and every date of adjournment.

6. Accordingly, the Transfer CMP is allowed. O.P. No.63 of 2017 is withdrawn from the file of the Court of Principal Senior Civil Judge, Mancherla and transferred to the file of the Family Court, Warangal, for disposal in accordance with law. The presence of the respondent before the Family Court, Warangal, on each and every date of adjournment, is dispensed with. However, the respondent shall appear before the Family Court, Warangal as and when his presence is so required in O.P. No.63 of 2017. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 26.7.2018
YS

¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396

³ 2001 (7) Supreme 96