

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.620 of 2014

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw OP No.1357 of 2013 from the file of Family Court, City Civil Court, Hyderabad and transfer the same to Family Court, Visakhapatnam.

2 The learned counsel for the petitioner submitted that the petitioner, being lady, is not in a position to attend the Court at Hyderabad.

3 On the other hand, the learned counsel for the respondent submitted that the petitioner filed the present petition with an intention to harass the respondent and hence the present petition is liable to be dismissed.

4 I have perused the material available on record in order to appreciate the rival contentions.

5 As per the averments made in the petition, the marriage of the petitioner was performed with the respondent on 15.12.2010 at Bhogapruam village in Visakhapatnam district as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. For obvious reasons, disputes arose between the parties and presently the petitioner is residing at her parents' house in Visakhapatnam. The petitioner lodged a complaint to the Women Police Station, Visakhapatnam against the respondent, who in turn registered the same as a case in Cr.No.25 of 2014 for the offences punishable under Section 498-A of IPC. Thereafter, the petitioner also filed FCOP No.1232 of 2014 on the file of Judge, Family Court-cum-V Additional District Judge, Visakhapatnam, seeking maintenance from the respondent. The respondent filed O.P.No.1357 of 2013 on the file of Family Court, City Civil Court, Hyderabad, under Section 10 of the Hindu Marriage Act seeking judicial separation from the petitioner.

6 It is not the case of the respondent that the petitioner is having

source of income to travel all the way from Visakhapatnam to Hyderabad. The fact remains that the respondent has been working in Health Department at Koti, Hyderabad on contract basis. The court has to take into consideration the inconvenience likely to be caused to the wife. Even if the petition is allowed, the same may not cause any prejudice or hardship to the respondent.

7 As per the principle laid down in ***Sumita Singh Vs. Kumar Sanjay, Rachna Kanodia Vs. Anuk Kanodia***, and ***V. Sailaja Vs. V. Koteswara Rao***, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 petitioner deserves the relief as sought for.

8 In the result, the petition is allowed and OP No.1357 of 2013 pending on the file of the Family Court, City Civil Court, Hyderabad is withdrawn from the file of the said Court and the same is transferred to the Family Court-cum-V Additional District & Sessions Judge, Visakhapatnam for disposal in accordance with law. The Judge, Family Court, Visakhapatnam is hereby directed to dispose of the O.P. as early as possible, preferably, within a period of six months from the date of appearance of both parties. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 12.06.2015

Kvsn