

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.299 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.563 of 2015 from the file of the Judge, Additional Family Court at Hyderabad and transfer the same to the file of the Judge, Family Court at Ananthapur for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the affidavit filed in support of the petition, and the counter of the respondent.

3. The marriage of the petitioner was performed with the respondent on 25.05.2013 at Masjid-E-Ayisha, Gulzarpet, Ananthapur, as per Muslim Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed F.C.O.P.No.563 of 2015 on the file of the Judge, Additional Family Court at Hyderabad for restitution of conjugal rights.

4. The petitioner has been residing at her parents' house in Ananthapur Town due to misunderstandings between her and the respondent. The respondent hails from Gooty of Ananthapur District. The respondent has been residing in Hyderabad in view of his employment. The distance between Ananthapur and Hyderabad is around 350 kilometers. It may not be possible for the petitioner to travel from Ananthapur to Hyderabad in order to prosecute F.C.O.P.No.563 of 2015. 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.

5. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and **Sumita Singh v. Kumar Sanjay and another**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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 allowed.

7. As rightly pointed out by the learned counsel for the respondent, the respondent may face some difficulty to attend the Family Court at Ananthapur on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.563 of 2015 is withdrawn from the file of the Judge, Additional Family Court at Hyderabad and transferred to the file of the Judge, Family Court at Ananthapur for disposal in accordance with law. The presence of the respondent/husband in connection with F.C.O.P.No.563 of 2015 is hereby dispensed with on each and every date of adjournment before the Judge, Family Court at Ananthapur. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 11.09.2015

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