

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.322 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.586 of 2015 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to the Senior Civil Judge Court, Sompeta, Srikakulam District.

2. Heard both the counsels and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 15.05.2010 at Dimmidijola village of Nandigam Mandal, Srikakulam 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 son. The petitioner lodged a complaint to the Station House Officer, Nandigam Police Station, who in turn registered a case in Crime No.25 of 2015 for the offences punishable under Sections 498-A IPC and 3 and 4 of the Dowry Prohibition Act against the respondent and others. The respondent filed O.P.No.586 of 2015 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar for restitution of conjugal rights.

4. The petitioner has been residing at her parents house in Thamburam village of Nandigam Mandal of Srikakulam District due to disputes between her and the respondent. At the time of arguments, learned counsel for the petitioner submitted that the respondent belongs to Dimmidijola village of Nandigam Mandal. It

appears that both parties belong to Nandigam mandal of Srikakulam District. The distance between Hyderabad and Nandigam is around 800 kilometers. The petitioner may face some difficulty to travel from Nandigam to Hyderabad in order to prosecute O.P.No.586 of 2015. Invariably, the respondent has to attend the Criminal Court at Tekkali in view of pendency of Crime No.25 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 and children.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[3], 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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.586 of 2015 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to Senior Civil Judge Court, Sompeta, Srikakulam District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

26.08.2015.

Rns

[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

[\[2\]](#) 2001(7) Supreme 96

[\[3\]](#) AIR 2002 SC 396