

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**Tr.C.M.P. No.828 of 2014**

**ORDER:**

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.131 of 2014 from the file of the Senior Civil Judge, Machilipatnam, Krishna District and transfer the same to the file of the Judge, Family Court, Rangareddy District at L.B.Nagar, Hyderabad for disposal in accordance with law.

2. Heard the learned counsel for the petitioner.

3. In spite of service of notice, the respondent did not choose to appear before this Court to contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 01.08.2012 at Bhimavaram, West Godavari District as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. The material available on record clearly reveals that disputes arose between the petitioner and the respondent in the year 2013. The petitioner got issued a legal notice dated 19.03.2014 to the respondent. The respondent issued a reply to the legal notice dated 19.03.2014.

5. By the time of marriage, the petitioner was prosecuting her B-Tech Degree in Hyderabad. Even as per the recitals of H.M.O.P.No.131 of 2014, the petitioner has been residing at Kukatpally, Hyderabad. The fact remains that the petitioner has been residing at Kukatpally, Hyderabad since the date of marriage. The petitioner filed F.C.O.P.No.665 of 2014 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage between her and the respondent. The respondent filed H.M.O.P.No.131 of 2014 on the file of the Senior Civil Judge, Machilipatnam under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. A perusal of the record reveals that the petitioner filed F.C.O.P.No.665 of 2014 in the month of May, 2014 whereas the respondent filed H.M.O.P.No.131 of 2014 on 22.09.2014. F.C.O.P.No.665 of 2014 is a comprehensive one when compared to H.M.O.P.No.131 of 2014. While deciding this type of petitions, the Court has to take

into consideration the ground realities as well as the inconvenience likely to be caused to the wife.

6. 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.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.131 of 2014 is withdrawn from the file of the Senior Civil Judge, Machilipatnam, Krishna District and transferred to the file of the Judge, Family Court, Rangareddy District at L.B.Nagar, Hyderabad for disposal in accordance with law. There shall be no order as to costs.

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

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**T.SUNIL CHOWDARY, J**

Date: 15.06.2015

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