

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TRANSFER C.M.P. No.422 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.529 of 2015 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the file of the Family Court, Nellore for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 11.5.2014 at Tirumala, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. By the time of marriage, the petitioner was working as Software Engineer in Mysore and the respondent was working as Software Engineer in Bengaluru. The respondent filed O.P.No.529 of 2015 on the file of the Family Court, Ranga Reddy District at L.B. Nagar for restitution of conjugal rights.

4. At the time of filing of the O.P., the petitioner was residing at her parents' house in Kavali of Nellore District. The distance between Kavali and Secunderabad is around 640 KMs. The petitioner may face much difficulty to attend the Family Court at Secunderabad without the assistance of one of the male members of the family to defend O.P. No.529 of 2015. The respondent has to come all the way from Bengaluru to Secunderabad in order to prosecute O.P. No.529 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. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **Sumita Singh v. Kumar**

Sanjay^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 relief sought by the petitioner can be granted.

6. As rightly pointed out by the learned counsel for the respondent it may not be possible for the respondent to attend the Family Court at Nellore in O.P.No.529 of 2015 on each and every date of adjournment in view of his nature of employment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

7. For these reasons, O.P.No.529 of 2015 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar and transferred to the Family Court, Nellore. The Family Court, Nellore is hereby directed to dispense with the presence of respondent/husband for each and every date of adjournment. However, the respondent shall appear as and when the Court feels that his presence is so required.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any, pending in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 24.08.2015.

GvI

^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96