

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.133 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.706 of 2014 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, Kakinada, East Godavari District, to dispose of the same in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner being resident of Mandapeta, it may not be possible for her to prosecute the case in Family Court, Ranga Reddy District at L.B.Nagar. Learned counsel for the respondent submitted that the petitioner filed the present petition with an ulterior motive to harass the respondent.

3. I have perused the material available on record and heard both counsels.

4. The marriage of the petitioner was performed with the respondent on 27.01.2012 at Rice Millers Association Hall, Mandapeta, East Godavari District as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined with the respondent to lead marital life. Due to family disputes, the petitioner is residing at Mandapeta at her parents house. The respondent filed O.P.No.706 of 2014 on the file of the Family Court, Ranga Reddy District, for dissolution of marriage between him and the petitioner.

5. A perusal of the record clinchingly establishes that the petitioner and respondent lived together for a short period after their marriage. It is not the case of the respondent that the petitioner is having sufficient means to prosecute the case at Ranga Reddy. The distance between Mandapeta and Hyderabad is nearly 600 kilometers. It is may not be possible for the petitioner to travel from Mandapeta to Hyderabad without the assistance of some male person. While deciding this type of petitions, the Court has to take into consideration the inconvenience likely to be caused to the petitioner.

6. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia**, and **Sumita Singh v. Kumar Sanjay**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. If the petition is not transferred to Family Court, Kakinada, it may cause untold hardship and inconvenience to the petitioner when compared to the respondent.

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 it is a fit case to allow the petition.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.706 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar. As there is no Family Court at Kakinada as mentioned in the petition, the matter is transferred to the file of the Principal Senior Civil Judge Court, Kakinada, East Godavari District, for disposal in accordance with law.

Miscellaneous petitions pending if any, in this transfer civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:16.06.2015.

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