

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.174 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.63 of 2014 from the file of the Senior Civil Judge, Sangareddy, Medak District, and transfer the same to Family Court, Ranga Reddy District, at L.B.Nagar.

2. In pursuance of the orders of this Court dt.31.03.2015, the petitioner herein sent the notice to the respondent to the address as mentioned in O.P.No.63 of 2014. The notice sent to the respondent returned with an endorsement 'refused'. Therefore, this Court is of the considered view that the service of notice on the respondent is sufficient. Hence, this Court is inclined to dispose of the matter on merits in the absence of the respondent. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 07.12.2012 at MNL Gardens, Kukatpally, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed O.P.No.1542 of 2014 on the file of the Family Court, Ranga Reddy District, for restitution of conjugal rights. The respondent filed O.P.No.63 of 2014 on the file of Senior Civil Judge Court, Sangareddy, Medak District, for dissolution of marriage between him and the petitioner. The distance between Sangareddy and Hyderabad is around 150 kilometers.

4. The petitioner has been residing at her parents house due to misunderstands between her and the respondent. The petitioner may face some difficulty to travel from Hyderabad to Sangareddy to prosecute O.P.No.63 of 2014. Both parties have filed two OPs seeking

different reliefs. 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 **Sumita Singh v. Kumar Sanjay**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **V.Sailaja v V.Koteswara Rao**^[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. H.M.O.P.No.63 of 2014 is withdrawn from the file of the Senior Civil Judge, Sangareddy, Medak District, and transferred to the file of Family Court, Ranga Reddy District, at L.B.Nagar, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

02.09.2015.

Rns

^[1] AIR 2002 SC 396

^[2] 2001(7) Supreme 96

^[3] AIR 2003 AP 178 : 2003 (1) ALD 673 : 2003 (1) APLJ 441