

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP No.524 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw O.P.No.50 of 2014 from the file of the III Additional Senior Civil Judge Court, Kakinada and transfer the same to the Family Court, Ranga Reddy District.

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

3 . The marriage of the petitioner was performed with the respondent on 19.03.1994 at Tirumala Tirupathi Devasthanam, 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 the respondent were blessed with two daughters aged about 19 years and 13 years respectively. The respondent is facing trial for the offence punishable under Section 498-A and Section 3 and 4 of Dowry Prohibition Act before the V Metropolitan Magistrate Court, Medchel. The respondent is also faced trial in DVC No.1 of 2011. The petitioner filed M.C.No.36 of 2011 on the file of the Family Court, Ranga Reddy District seeking maintenance from the respondent. The respondent filed O.P.No.50 of 2014 on the file of the III Additional Senior Civil Judge Court, Kakinada for dissolution of marriage between him and the petitioner.

4. The petitioner and her children have been residing in Yaprall Village of Ranga Reddy District. The distance between Hyderabad and Kakinada is around 400 KMs. The petitioner may face much difficulty to travel from Hyderabad to Kakinada in order to defend OP No.50 of 2014. Invariably the respondent has to attend the Criminal court at Medchel and Family Court, L.B. Nagar at Ranga Reddy District in view of pendency of MC. No.36 of 2011. If the petition is dismissed, it may cause untold hardship to the petitioner and her children. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing of 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, to the wife.

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

Rachna Kanodia v. Anuk Kanodia, 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 Ranga Reddy District on each and every date of adjournment in view of nature of his employment. Even if the presence of the respondent/husband is dispensed with no prejudice would be caused to the petitioner.

7. For these reasons, O.P.No.50 of 2014 is withdrawn from the file of the III Additional Senior Civil Judge Court, Kakinada and transferred to the Family Court, Ranga Reddy District for disposal in accordance with law. The presence of the respondent/husband before the Family Court, Ranga Reddy District in connection with O.P.No.50 of 2014, on each and every date of adjournment, is hereby dispensed with. 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 civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 12.10.2015.

Gv/