

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.259 OF 2015

ORDER:

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This petition is filed under Section 24 C.P.C. to withdraw H.M.O.P.No.288 of 2015 from the file of the Judge, Family Court, Ranga Reddy District, and transfer the same to the Judge, Family Court, Nellore District.

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

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3. The marriage of the petitioner was performed with the respondent on 30.08.2013 at Ayyavaripalli Village of Nellore District, as per Hindu rites and customs. Immediately after the marriage, the petitioner joined the respondent at Hyderabad to lead marital life. The respondent filed H.M.O.P.No.288 of 2015 on the file of the Family Court, Ranga Reddy District, for dissolution of marriage between him and the petitioner.

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4. Unfortunately bad weather prevailed in the family life of the petitioner and the respondent immediately after the marriage. The petitioner has been residing at her parents house since 2014 due to misunderstandings between her and the respondent. It is not the case of the respondent that the petitioner is having sufficient means to travel from Kaligiri Village, Nellore District to Ranga Reddy District. The petitioner and the respondent hail from Nellore District. If the petition is dismissed, it may cause untold hardship to the petitioner. While deciding the cases of this nature, the Court has to take into consideration the inconvenience likely to

be caused to the parties, more particularly to the wife.

5. As per the principle enunciated in **V. Sailaja v.**

V. Koteswara Rao^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and

Sumita Singh v. Kumar Sanjay^[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 the relief sought for by the petitioner deserves to be allowed. As rightly pointed out by the learned counsel for the respondent, it may not be possible for the respondent being a Soldier in Indian Army to attend the Family Court, Nellore on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.288 of 2015 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District, and transferred the same to the file of the Judge, Family Court, Nellore District, for disposal in accordance with law. The presence of the respondent/husband is dispensed with in H.M.O.P.No.288 of 2015 before the Judge, Family Court, Nellore District, on each and every date of adjournment. However, the respondent shall appear before the said Court as and when his presence is so required.

As a sequel, miscellaneous petitions, if any, pending in this
Transfer Civil Miscellaneous Petition, shall stand closed.

10.07.2015

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[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
[\[2\]](#) 2001 (7) Supreme 96
[\[3\]](#) AIR 2002 SC 396