

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.481 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.503 of 2014 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the Family Court, Guntur District for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that it may not be possible for the petitioner to travel from Guntur to Hyderabad to prosecute the case due to financial problem. Learned counsel for the respondent submitted that if the matter is transferred to Guntur the respondent has to face much difficulty.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 09.03.2010 at Guntur, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a daughter, but unfortunately she died on 18.11.2013. The respondent filed O.P.No.503 of 2014 on the file of the Family Court, Ranga Reddy District for dissolution of marriage between him and the petitioner.

4. Since 2013, the petitioner has been residing at her parents' house at Guntur due to family disputes. The respondent is a Government employee. It is not the case of the respondent that the petitioner is having sufficient means to travel all the way from Guntur to Hyderabad. The distance between Guntur and Hyderabad is nearly 300 KMs. While disposing the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

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

V.Koteswara Rao^[1], **Sumita Singh v. Kumar Sanjay**^[2] and

Rachna Kanodia v. Anuk Kanodia^[3], 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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.503 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transferred to the Family Court, Guntur for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 18.06.2015.

Gv/

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

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96