

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.672 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.1406 of 2014 from the file of the Family Court, R.R. District at L.B. Nagar and transfer the same to the Senior Civil Judge Court, Eluru, West Godavari 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 27.04.2008 at Vallampatla Village of West Godavari District, 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 one son and one daughter. The respondent filed O.P. No.1406 of 2014 on the file of the Family Court, R.R. District for dissolution of marriage between him and the petitioner.

4. Due to obvious reasons, bad weather prevailed in the family life of the petitioner and the respondent. The petitioner has been residing at her parents' house along with her minor children. The distance between Eluru and Hyderabad is around 350 KMs. The petitioner may face much difficulty to travel 350 KMs along with her minor children to prosecute O.P.No.1406 of 2014 at Hyderabad. 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 ground realities as well as the hardship likely to be caused to the wife and her children.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, 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 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 O.P.No.1406 of 2014 is withdrawn from the file of the Family Court, R.R. District at L.B. Nagar and transferred to the Senior Civil Judge Court, Eluru, West Godavari District for trial and disposal in accordance with law. The Senior Civil Judge, Eluru is hereby directed to dispose of O.P.No.1406 of 2014, as expeditiously, as possible, preferably, within a period of six (06) months from the date of appearance of both parties before it. No costs.

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

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T.SUNIL CHOWDARY, J.

Date: 30.07.2015.

Gv/