

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.149 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw F.C.O.P.No.1788 of 2013 pending on the file of the Judge, Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the Court of Principal Senior Civil Judge, Narsaraopet of Guntur district.

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

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 14.02.2013 at Ongole as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent at Hyderabad to lead marital life. The respondent filed F.C.O.P.No.1788 of 2013 on the file of Family Court, Ranga Reddy District at L.B.Nagar to declare the marriage between him and the petitioner as null and void. The petitioner filed HMOP No.109 of 2014 on the file of the Court of Principal Senior Civil Judge, Narsaraopet for restitution of conjugal rights. Basing on the complaint given by the petitioner, the Station House Officer, Narsaraopet I Town police station registered a case in Cr.No.9 of 2014 against the respondent and others for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

4 For obvious reasons disputes arose between the petitioner and the respondent after the marriage. The petitioner has been residing at her parents' house at Narsaraopet.

5 It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and travel all the way from Narsaraopet to L.B. Nagar. It may not be possible for the petitioner to travel all the way from Narsaraopet to L.B. Nagar without the support of a male person in the family. Invariably, the respondent has to attend the Magistrate Court at Narsaraopet in view of the pendency of the criminal case. The Court has to take into consideration the hardship likely to be caused to the parties while deciding the petitions of this nature. If the F.C.O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the F.C.O.P. is transferred, the same may not cause any prejudice to the respondent.

6 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[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 cases cited supra, I am of the considered view that the petitioner deserves the relief as

sought for.

7 In the result, the petition is allowed and the F.C.O.P.No.1788 of 2013 pending on the file of the Judge, Family Court, Ranga Reddy District at L.B. Nagar is withdrawn from the file of the said Court and the same is transferred to the Court of Principal Senior Civil Judge, Narsaraopet of Guntur district for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 24.06.2015

Kvsn

[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96

[\[3\]](#) AIR 2003 AP 178