

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.11 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.1770 of 2014 from the file of the Family Court, Ranga Reddy District at L.B.Nagar and transfer the same to the Senior Civil Judge Court at Repalle, Guntur District.

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

3. The marriage of the petitioner was performed with the respondent on 13.08.1998 at Vijayawada, 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. The petitioner and her children have filed O.S.No.107 of 2014 on the file of the Senior Civil Judge, Repalle seeking maintenance from the respondent. Basing on the complaint lodged by the petitioner, the Station House Officer, Repalle registered a case in Crime No.140 of 2014 for the offence punishable under Section 498-A of IPC. The respondent filed O.P. No.1770 of 2014 on the file of the Family Court, Ranga Reddy District at L.B. Nagar for restitution of conjugal rights._

4. The petitioner has been residing at her parents' house at Repalle along with her two daughters due to disputes between her and the respondent. Filing of O.S.No.107 of 2014 by the petitioner and her daughters clearly indicates her financial status. It may not be possible for the petitioner to travel from Repalle to Hyderabad along with her two daughters in order to prosecute the O.P.No.1770 of 2014. The respondent has to attend the Civil and Criminal Courts at Repalle in view of pendency of O.S.No.107 of 2014 and Crime No.140 of 2014. 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.

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.1770 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar and transferred to the Senior Civil Judge Court at Repalle, Guntur District for trial and disposal in accordance with law. 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: 16.07.2015.

Gv/

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

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96