

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.482 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.1087 of 2015 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to Senior Civil Judge Court, Vijayawada, Krishna District.

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

3. The marriage of the petitioner was performed with the respondent on 21.10.2010 at Tirumala Tirupathi Devasthanam, Tirumala, 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 respondent were blessed with a boy on 10.10.2011. Basing on the complaint lodged by the petitioner, the Station House Officer, Raidurgam Police Station, registered a case in Crime No.70 of 2011 against the respondent for the offence punishable under Sections 498-A and 324 IPC. Both parties have settled the matter before Lok Adalath in respect of Crime No.70 of 2011. The respondent filed O.P.No.1087 of 2015 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Kanur, Krishna District, due to misunderstandings between her and the respondent. Even as per the averments made in O.P.No.1087 of 2015 also, the petitioner hails from Kanur of

Krishna District. The petitioner may face some difficulty to travel from Kanur to Hyderabad along with her son in order to prosecute O.P.No.1087 of 2015. Learned counsel for the respondent submitted that the petitioner made false and frivolous allegations against the respondent herein. It is not uncommon to make allegations and counter allegations against each other in matrimonial cases for the reasons best known to the parties. Therefore, this Court is not inclined to express any opinion with regard to the allegations and counter allegations made by both parties in view of the scope of transfer petition. While deciding the petitions of this nature, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the parties to the proceedings, more particularly, the wife and children.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **V.Sailaja v V.Koteswara Rao**^[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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.1087 of 2015 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of Principal Senior Civil Judge Court, Vijayawada, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

21.09.2015.

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

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

[\[3\]](#) AIR 2003 AP 178 : 2003 (1) ALD 673 : 2003 (1) APLJ 441