

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.2 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.1726 of 2014 from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the file of the Judge, Family Court, Visakhapatnam, for disposal in accordance with law.

2. The facts leading to filing of the present petition are briefly as follows: The marriage of the petitioner was performed with the respondent on 26.03.2008 at MGM Park, Beach Road, Visakhapatnam as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of their lawful wedlock, the petitioner gave birth to a child on 18.06.2009. The petitioner joined as a Government Doctor on 25.10.2009. The petitioner herein filed F.C.O.P.No.1653 of 2014 against the respondent on the file of the Additional Family Court, Visakhapatnam for restitution of conjugal rights. The respondent filed O.P.No.1726 of 2014 against the petitioner on the file of Family Court, Ranga Reddy District for dissolution of marriage between them. As per the allegations made in the petition, the respondent subjected the petitioner to cruelty for additional dowry. Hence the petition.

3. Learned counsel for the petitioner submitted that it is very difficult for the petitioner being a Government doctor to attend the Family Court at Ranga Reddy District. On the other hand, learned counsel for the respondent submitted that the petitioner is working as a private practitioner. Therefore, it is very difficult for him to attend the Court at Visakhapatnam.

4. A perusal of the record clearly reveals that there is no dispute between the parties with regard to their relationship. Out of lawful wedlock, the petitioner and the respondent were blessed with a male child. Unfortunately disputes arose between the petitioner and the respondent. Due to the family disputes, the petitioner has been residing at Visakhapatnam at her parents' house. The fact remains both are highly

qualified persons. The distance between Visakhapatnam and Hyderabad is nearly 700 kilometers. The respondent has to attend the Court at Visakhapatnam in F.C.O.P.No.1653 of 2014. The petitioner has to look after the day to day affairs of her son apart from attending the duty at Government Hospital. Both are earning members. While deciding this type of petitions, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings. If F.C.O.P.No.1653 of 2014 is not transferred to Visakhapatnam, it may cause untold hardship and inconvenience to the petitioner when compared with the respondent. The contention of the respondent that there is a threat to his life is not supported by any material much less cogent and convincing material. It is not uncommon to make allegations and counter allegations in matrimonial matters. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia**, and **Sumita Singh v. Kumar Sanjay**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

5. 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 it is a fit case to withdraw O.P.No.1726 of 2014 from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transfer to the file of the Judge, Family Court, Visakhapatnam.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P.No.1726 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar and transferred to the file of the Judge, Family Court, Visakhapatnam, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 04.06.2015.

Rns

