

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.403 OF 2015

ORDER:

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This petition is filed under Section 24 C.P.C. to withdraw F.C.O.P.No.234 of 2015 from the file of the Judge, Family Court, City Civil Courts, Hyderabad, and transfer the same to the Senior Civil Judge's Court at Narsapur, West Godavri District.

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2. Heard both sides and perused the affidavit filed in support of the petition and the counter filed by the respondents.

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3. The marriage of the petitioner was performed with the respondent on 08.11.2013 at Palakol, West Godavari District, as per Hindu rites and 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 a son on 05.10.2014. Basing on the complaint lodged by the petitioner, Crime No.35 of 2015 was registered against the respondent for the offences punishable under Section 498-A I.P.C. and Section 3 and 4 of Dowry Prohibition Act. The respondent filed F.C.O.P.No.234 of 2015 on the file of the Judge, Family Court, City Civil Courts, Hyderabad, for restitution of conjugal rights.

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4. The petitioner has been residing at her parents' house at Palakol due to misunderstandings between herself and the respondent. The distance between Palakol and Hyderabad is 400 KMs. The petitioner may face some difficulty to travel from Palakol to Hyderabad to prosecute F.C.O.P.No.234 of 2015.

Invariably, the respondent has to attend the criminal case at Palakol. Both parties have made allegations and counter allegations against each other. If the petition is dismissed, it may cause untold hardship to the petitioner. While deciding the cases of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties, more particularly to the wife and children.

5. As per the principle enunciated in **V. Sailaja v.**

V. Koteswara Rao^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay**^[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 the relief sought for by the petitioner deserves to be allowed.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.234 of 2015 is withdrawn from the file of the Judge, Family Court, City Civil Courts, Hyderabad, and transferred the same to the Senior Civil Judge's Court at Narsapur, West Godavari District, for disposal in accordance with law.

As a sequel, miscellaneous petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

21.08.2015

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

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

[\[3\]](#) AIR 2002 SC 396