

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.182 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.1591 of 2014 from the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to the file of the Judge, Family Court, Kadapa, for disposal in accordance with law.

2. Heard both counsels and perused the affidavit filed in support of the petition and the counter filed by the respondent.

3. The marriage of the petitioner was performed with the respondent on 27.05.2011 at Rayachoti, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C.No.9 of 2015 seeking maintenance from the respondent and the same is pending on the file of the Judge, Family Court, Kadapa. The respondent filed O.P.No.1591 of 2014 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, for dissolution of marriage between him and the petitioner. Unfortunately bad weather prevailed in the family life of petitioner and respondent within three years of their marriage. Having no other alternative, the petitioner has been residing at Kadapa at her parents house. The petitioner hails from Kadapa District. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel from Kadapa to Hyderabad without the assistance of one of the male members of the family. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings, more particularly, to the wife. If the petition is dismissed, it may cause untold hardship

and inconvenience to the petitioner when compared to the respondent. The respondent has to go to Kadapa to attend the Family Court to prosecute M.C.No.9 of 2015.

4. 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.

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 the petitioner is entitled to the relief sought for.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.1591 of 2014 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of the Judge, Family Court, Kadapa, 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:22.06.2015.

Rns

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

^[2] 2001(7) Supreme 96

^[3] AIR 2002 SC 396