

**HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

TRANSFER CIVIL MISCELLANEOUS PETITION No.646 of 2014

**ORDER:**

This petition is filed under Section 24 CPC to withdraw H.M.O.P. No.86 of 2012 from the Court of Senior Civil Judge, Chirala, Prakasama District and transfer the same to the file of District Court, Ranga Reddy District at L.B. Nagar, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 01.2.2004 at Vijayawada, as per Hindu rites and caste customs. Immediately after the marriage, petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a son. The petitioner filed DVC No.37 of 2013 on the file of III Metropolitan Magistrate Court, Ranga Reddy District at L.B. Nagar against the respondent. The respondent filed O.P. No.1979 of 2014 on the file of Family Court, Ranga Reddy District against the petitioner for the custody of the child. The respondent also filed H.M.O.P. No.86 of 2012 on the file of Senior Civil Judge Court, Chirala, for restitution of conjugal rights.

4. For one reason or the other, disputes arose between the petitioner and the respondent. The petitioner has been residing along with her child at Boduppal, Ranga Reddy District. The respondent has to attend the Courts at Ranga Reddy District in view of the pendency of DVC and O.P. No.1979 of 2014. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself, her son and defend the matter at Chirala. It may not be possible for the petitioner to travel from Hyderabad to Chirala, which is at a distance of 270 KMs., without the assistance of one of the male members of the

family. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**<sup>[1]</sup> and **Rachna Kanodia v. Anuk Kanodia**<sup>[2]</sup>, 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 CMP is allowed. H.M.O.P. No.86 of 2012 is withdrawn from the Court of Senior Civil Judge, Chirala, Prakasama District and transferred to the Family Court, Ranga Reddy District at L.B. Nagar, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

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**T.SUNIL CHOWDARY, J**

Date: 01.7.2015.  
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<sup>[1]</sup> AIR 2002 SC 396

<sup>[2]</sup> 2001 (7) Supreme 96