

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.169 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.76 of 2015 from the file of the Family Court, Vijayawada, Krishna District and transfer the same to the Family Court, Ranga Reddy District at L.B. Nagar.

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

3. The marriage of the petitioner was performed with the respondent on 19.11.2009 at Dwaraka Tirumala, West Godavari District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P.No.76 of 2015 on the file of the Family Court, Vijayawada for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing in Hyderabad due to her employment. For obvious reasons, bad weather prevailed in the family life of the petitioner and the respondent. As per the recitals of O.P.No.76 of 2015, the petitioner has been residing in Hyderabad. The distance between Hyderabad and Vijayawada is around 250 KMs. It may not be possible for the petitioner to travel from Hyderabad to Vijayawada to prosecute O.P.No.76 of 2015 on each and every date of adjournment. A perusal of the record reveals that the petitioner and the respondent lived together for sometime at Hyderabad. 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. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, 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. As rightly pointed out by the learned counsel for the respondent it may not be possible for the respondent to attend the Family Court, Ranga Reddy District in O.P.No.76 of 2015 on each and every date of adjournment. Even if the presence of the respondent is dispensed with no prejudice would be caused to the petitioner.

7. For these reasons, O.P.No.76 of 2015 is withdrawn from the file of the Family Court, Vijayawada and transferred to the Family Court, Ranga Reddy District at L.B. Nagar. The presence of the respondent before the Family Court, Ranga Reddy is dispensed with on each and every date of adjournment. However, the respondent shall appear as and when the Court feels that his presence is so required.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 28.07.2015.

Gv/