

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.320 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.286 of 2014 from the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to the court of the Judge, Family Court, Visakhapatnam, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear before the Court and contest the matter. Hence, I am inclined to pass orders on merits in the absence of the respondent. Heard the learned counsel for the petitioner and perused the record.

3. The marriage of the petitioner was performed with the respondent on 05.12.2012 at Sri Veera Venkata Satyanarayana Swamy Temple, Annavaram, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a son. The petitioner filed O.P.No.1663 of 2014 on the file of the Judge, Family Court, Visakhapatnam, seeking maintenance from the respondent. The petitioner also filed O.P.No.1681 of 2014 on the file of the Family Court, Visakhapatnam, for restitution of conjugal rights. The respondent filed O.P.No.286 of 2015 on the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, for dissolution of marriage between him and the petitioner.

4. Due to misunderstandings, the petitioner and her son have

been residing at Visakhapatnam, at her parents house. The distance between Visakhapatnam and Hyderabad is nearly 700 kilometers. Filing of maintenance petition by the petitioner indicates her financial status. It may not be possible for the petitioner to travel 700 kilometers, to prosecute the case, along with her son without the assistance of some male member. Invariably, the respondent has to attend the Family Court, at Visakhapatnam in view of pendency of O.P.No.1663 of 2014 and 1681 of 2014. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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, the wife.

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 inclined to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.286 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, Visakhapatnam, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Date:14.07.2015.

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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