

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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Tr.C.M.P. No.263 of 2015

Between:

Smt. Rekha Deepthi

.. Petitioner

and

Penmetsa Vijnan

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.263 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw S.M.O.P.No.89 of 2015 from the file of the Principal District and Sessions Judge, West Godavari at Eluru and transfer the same to the file of the Judge, Family 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 08.03.2009 at Jinnuru village, Poduru Mandal, West Godavari District. The petitioner and the respondent lived together for four years at Pune. Basing on the complaint of the petitioner, the Station House Officer, Miyapur Police Station, Cyberabad registered a case in Crime No.784 of 2013 against the respondent and others for the offences punishable under Sections 498-A and 417 I.P.C., and Section 4 of the Dowry Prohibition Act, 1961. The petitioner filed O.P.No.773 of 2015 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for dissolution of marriage between her and the respondent. The respondent filed S.M.O.P.No.89 of 2015 on the file of the Principal District and Sessions Judge, West Godavari at Eluru for dissolution of marriage between him and the petitioner. The petitioner has been working as Software Engineer in Pune. The respondent has been working as Software Engineer at Bangalore. The petitioner belongs to Guntur District whereas the respondent belongs to West Godavari District. At present, the petitioner is residing at U.S.A. on office work. The petitioner and the respondent are highly

educated persons and financially well-off. The relief sought for in S.M.O.P.No.89 of 2015 and O.P.No.773 of 2015 is one and the same. If both Courts are allowed to conduct trial separately, there is every possibility of conflicting judgments. 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 and children.

4. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay and another**^[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 cases cited supra, I am of the considered view that the relief sought by the petitioner deserves to be allowed.

6. At the time of arguments, the learned counsel for the respondent submitted that it may not be possible for the respondent to attend the Family Court, Ranga Reddy District at L.B.Nagar on each and every date of adjournment in view of his nature of employment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the rights of the petitioner.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. S.M.O.P.No.89 of 2015 is withdrawn from the file of the Principal District and Sessions Judge, West Godavari at Eluru and transferred to the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for disposal in accordance with law. The presence of the respondent in respect of S.M.O.P.No.89 of 2015 is hereby dispensed with on each and every date of adjournment before the Judge, Family Court, Ranga

Reddy District at L.B.Nagar. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 23.07.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

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

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