

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.209 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.S. No.19 of 2014 from the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad and transfer the same to the file of Family Court, Warangal, 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 04.1.2008 at Subedari, Hanmakonda, Warangal District, as per the Muslim rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of the lawful wedlock, they were blessed with one son and one daughter. The respondent filed O.S. No.19 of 2014 on the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, for restitution of conjugal rights. The petitioner filed M.C. No.25 of 2015 on the file of Family Court-cum-III Additional District Judge, Warangal seeking maintenance from the respondent.

4. The petitioner has been residing at her parents' house at Warangal along with her children, due to the family disputes. The respondent has been working in Acharya N.G. Ranga Agricultural University, Rajendranagar, Hyderabad. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself, her children and defend the case at Hyderabad. The distance between Hanmakonda and Hyderabad is about 150 KMS. It may not be possible for the petitioner to travel along with her minor children from Hanmakonda to Hyderabad without 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**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 Miscellaneous Petition is allowed. O.S. No.19 of 2014 is withdrawn from the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad and transferred to the file of Family Court, Warangal, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 24.6.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96