

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.737 of 2014

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw F.C.O.P.No.25 of 2014 pending on the file of the Additional Family Court at Hyderabad and transfer the same to the Family Court, Rajahmundry or Senior Civil Judge's Court at Kothapeta of East Godavari district.

2 Heard both sides.

3 I have perused the affidavit filed in support of the petition and the counter filed by the respondent. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 02.11.2012 at Ryali village of East Godavari district as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. They lived together happily for a period of two years. For obvious reasons bad weather prevailed in the family life of the petitioner and the respondent. Basing on the complaint lodged by the petitioner, Station House Officer, Atreyapuram police station registered a case in Cr.No.61 of 2014 against the respondent and others for the offence punishable under Section 498-A of IPC and under sections 3 and 4 of Dowry Prohibition Act. The petitioner filed O.P.No.67 of 2014 on the file of Senior Civil Judge, Kothapeta for restitution of conjugal rights. The respondent filed FCOP No.25 of 2014 on the file of Family Court, Hyderabad for dissolution of marriage between him and the petitioner.

4 The fact remains that both parties have approached different courts for redressal. The distance between Ryali and Hyderabad is more than 500 k.m. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel all the way from Ryali to Hyderabad without the support of a male person in the family. It is not the case of the respondent that the petitioner is having

sufficient source of income to maintain herself and also to prosecute the case at Hyderabad. Invariably, the respondent has to attend the Court at Kothapeta to contest the OP No.67 of 2014 as well as the criminal case filed by the petitioner. The Court has to take into consideration the hardship likely to be caused to the parties while deciding the petitions of this nature. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

5 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay, Rachna Kanodia Vs. Anuk Kanodia***, and ***V. Sailaja Vs. V. Koteswara Rao***, 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 cases cited supra, I am of the considered view that the petitioner deserves the relief as sought for.

6 In the result, the petition is allowed and the F.C.O.P.No.25 of 2014 pending on the file of the Additional Family Court at Hyderabad is withdrawn from the file of the said Court and the same is transferred to the Senior Civil Judge's Court at Kothapeta of East Godavari district for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 18.06.2015

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