

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.305 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.42 of 2014 from the file of the Family Court, Khammam and transfer the same to the Family Court at Vijayawada for disposal in accordance with law.

2. Heard both counsel.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 04.05.2003 at Nuzvid, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. The petitioner filed O.P No.601 of 2008 on the file of the Family Court, Vijayawada seeking maintenance from the respondent. Learned counsel for the respondent submitted that O.P.No.601 of 2008 was disposed of long back. The respondent filed FCOP No.42 of 2014 on the file of the Family Court, Khammam for restitution of conjugal rights.

4. It is not in dispute that the petitioner hails from Krishna District. It is also not the case of the respondent that the petitioner is having sufficient means to travel all the way from Vijayawada to Khammam. While disposing 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**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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 Civil Miscellaneous Petition is allowed. F.C.O.P.No.42 of 2014 is withdrawn from the file of the Family Court, Khammam and transferred to the Family Court, Vijayawada for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 18.06.2015.

Gv/

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[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

[\[2\]](#) AIR 2002 SC 396

[\[3\]](#) 2001 (7) Supreme 96