

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.434 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.169 of 2015 from the file of the Family Court,

Guntur and transfer the same to the Family Court, Ranga Reddy District at L.B.Nagar.

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 30.05.2013 at Woodland Function Hall, Guntur, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner and the respondent lived together for a short period at Guntur as well as in Bangalore. The respondent filed F.C.O.P.No.169 of 2015 on the file of the Family Court, Guntur District for dissolution of marriage between him and the petitioner. Unfortunately, bad weather prevailed in the family life of the petitioner and the respondent.

4. The petitioner has been residing at her parents' house in Hyderabad. The respondent is working in IMS Health, Bangalore. The respondent has to travel from Bangalore to Guntur to prosecute F.C.O.P.No.169 of 2015. The distance between Guntur and Hyderabad is around 300 kilometers. The petitioner may face some difficulty to travel from Hyderabad to Guntur in order to prosecute F.C.O.P.No.169 of 2015. 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. Even if the petition is allowed, the same may not cause any prejudice to the respondent as he is residing at Bangalore.

5. 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.

6. 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.

7. As rightly pointed out by the learned counsel for the respondent, it may not be possible for the respondent to attend the Family Court, Ranga Reddy District on each and every date of adjournment in view of nature of his employment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.169 of 2015 is withdrawn from the file of the Family Court, Guntur and transferred to the file of the Family Court, Ranga Reddy at L.B.Nagar for disposal in accordance with law. The presence of the respondent/husband in connection with F.C.O.P.No.169 of 2015 is hereby dispensed with on each and every date of adjournment before the Family Court, Ranga Reddy District. However, he shall appear before the said Court as and when his presence is so required. The learned Judge, Family Court, Ranga Reddy District is hereby directed to dispose of the matter as expeditiously as possible. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 11.09.2015

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

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

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