

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.624 of 2013

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.929 of 2013 from the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar and transfer the same to the Senior Civil Judge Court, Amalapuram, East Godavari District, for disposal in accordance with law.

2. Heard both sides and perused the affidavit filed in support of the petition and the counter filed by the respondent.

3. The marriage of the petitioner was performed with the respondent on 27.06.2002 at Royal Mansion, Kukatpally, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and respondent were blessed with two sons. The respondent filed O.P.No.929 of 2013 on the file of the Family Court, Ranga Reddy District, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house along with her two sons from 2013 due to misunderstandings between her and the respondent. Both counsels in one voice submitted that by the time of filing of the petition, the respondent is working in Canara Bank, at Hyderabad. They further submitted that at present, the petitioner is working in Canara Bank, at Bangalore. No purpose will be served by keeping the matter at Family Court, Ranga Reddy District, at L.B.Nagar in view of the transfer of the respondent. The fact remains that the petitioner belongs to Amalapuram of East Godavari District. Learned counsel for the respondent opposed the petition on the ground that there is a life threat to the respondent if he visits

Amalapuram. It is not uncommon to make allegations and counter allegations more particularly in matrimonial cases. The respondent is at liberty to take appropriate steps at appropriate time. If the petition is dismissed, it may cause untold hardship to the petitioner when compared to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[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 inclined to allow the petition. As rightly pointed out by the learned counsel for the respondent, it may not be possible for the respondent to obtain leaves frequently in order to attend the Senior Civil Judge Court, at Amalapuram. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.929 of 2013 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of the Senior Civil Judge, Amalapuram, East Godavari District, for disposal in accordance with law. The presence of the respondent/husband is dispensed with in O.P.No.929 of 2013 before the Senior Civil Judge Court, Amalapuram, on each and every date of adjournment. However, he shall appear before the said Court as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Date:06.07.2015.

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- [\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
- [\[2\]](#) 2001(7) Supreme 96
- [\[3\]](#) AIR 2002 SC 396