

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

-
Tr.C.M.P.No.550 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.2014 of 2014 from the file of Judge, Family Court, Ranga Reddy at L.B.Nagar and transfer to the file of Judge, Family Court, Rajahmundry, East Godavari District.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition, therefore this Court is inclined to dispose of the matter on merits in the absence of the respondent.

3. Heard learned counsel for the petitioner and perused the material available on record.

4. The marriage of the petitioner was performed with the respondent on 15.08.2013 at Rajahmundry as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C.No.65 of 2014 on the file of Judge, Family Court-cum-IX Additional District and Sessions Judge, Rajahmundry, East Godavari District seeking maintenance from the respondent. The respondent filed O.P.No.2014 of 2014 on the file of Judge, Family Court, Ranga Reddy District at L.B.Nagar for dissolution of marriage between him and the petitioner.

5. The petitioner has been residing at her parents' house in Rajahmundry, due to misunderstandings between her and the respondent. The distance between Rajahmundry and Hyderabad is around 300 kilometres. It may not be possible for the petitioner to travel from Rajahmundry to Hyderabad in order to prosecute O.P.No.2014 of 2014. Invariably the respondent has to attend the Family Court at Rajahmundry in view of pendency of M.C.No.65 of 2014. While deciding the petitions of this nature, the Court has to take

into consideration the inconvenience likely to be caused to the parties, more particularly the wife.

6. 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.

7. 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.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.2014 of 2014 is withdrawn from the file of Judge, Family Court, Ranga Reddy District at L.B. Nagar and transferred to the file of Judge, Family Court at Rajahmundry, East Godavari District for disposal in accordance with law.

Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

T.SUNIL CHOWDARY, J

OCTOBER 30, 2015

YVL

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

-
-
-
-
-
-
-

[3] AIR 2002 SC 396