

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.404 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.235 of 2013 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to Additional Family Court, City Civil Court, Hyderabad.

2. Heard both counsels and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 23.02.2011 in Moosapet, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent is facing trial in C.C.No.191 of 2012 on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad. The respondent is also facing trial in D.V.C.No.221 of 2012 on the file of II Metropolitan Magistrate, Hyderabad. The respondent filed F.C.O.P.No.235 of 2013 on the file of Family Court, Ranga Reddy District, at L.B.Nagar, seeking for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Balkampet of Hyderabad due to misunderstandings between her and the respondent. The respondent is a resident of Ranga Reddy district. Invariably, the respondent has to visit the criminal Courts in view of pendency of C.C.No.191 of 2012 and D.V.C.No.221 of 2012 at Hyderabad. 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, the wife. Even if the petition is allowed, the same may not cause any prejudice to the

respondent.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **V.Sailaja v V.Koteswara Rao**^[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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.235 of 2013 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of Additional Family Court, City Civil Court, Hyderabad, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

07.09.2015.

Rns

^[1] AIR 2002 SC 396

^[2] 2001(7) Supreme 96

^[3] AIR 2003 AP 178 : 2003 (1) ALD 673 : 2003 (1) APLJ 441