

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.707 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.154 of 2014 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to the Senior Civil Judge Court, at Kakinada, East Godavari District.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to dispose of the matter on merits in the absence of the respondent. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 17.08.2013 in Kakinada, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Kakinada, registered a case in Crime No.26 of 2014 against the respondent and others for the offences punishable under Sections 498-A, 406 read with 34 IPC and 4 and 6 of Dowry Prohibition Act. The respondent filed O.P.No.154 of 2014 on the file of the Family Court, Ranga Reddy District at L.B.Nagar for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Kakinada due to misunderstandings between her and the respondent. The distance between Hyderabad and Kakinada is around 450 kilometers. The petitioner may face some difficulty to travel from Kakinada to Hyderabad without the assistance of one of the male members of the family. Invariably, the respondent has to attend

the Criminal Court at Kakinada in view of pendency of Crime No.26 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 to the proceedings, more particularly, the wife.

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. O.P.No.154 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of Senior Civil Judge Court, Kakinada, for disposal in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

02.09.2015.

Rns

^[1] AIR 2002 SC 396

^[2] 2001(7) Supreme 96

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