

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.286 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw F.C.O.P. No.407 of 2015 from the file of Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the file of Family Court, Visakhapatnam, for trial and disposal along with F.C.O.P. Nos.1119 and 1216 of 2014.

2. Notice sent to the respondent returned with an endorsement "addressee refused". 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 11.2.2012 at Kalinga Function Hall, Beside Jagannadha Swamy Temple, Banjara Hills, Hyderabad as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed F.C.O.P. No.1119 of 2014 on the file of the Family Court-cum-V Additional District Court, Visakhapatnam seeking maintenance from the respondent. The petitioner also filed F.C.O.P. No.1216 of 2014 against the respondent on the file of Family Court-cum-V Additional District Court, Visakhapatnam for recovery of the dowry amount. The respondent filed F.C.O.P. No.407 of 2015 on the file of the Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad for restitution of conjugal rights.

4. The petitioner has been residing at her parents' house at Visakhapatnam, due to misunderstandings between her and the respondent. Invariably, the respondent has to attend the Family Court, Visakhapatnam to defend F.C.O.P. Nos.1119 and 1216 of 2014. It is not the case of the respondent that the petitioner has sufficient means to maintain herself. It may not be possible for the petitioner to travel

700 KMs from Visakhapatnam to Hyderabad to defend F.C.O.P. No.407 of 2015. While deciding the petitions of this nature, the court has to take into consideration the inconvenience likely to be caused to 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] and **Rachna Kanodia v. Anuk Kanodia**^[2], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 can be granted.

6. Accordingly, the Transfer CMP is allowed. F.C.O.P. No.407 of 2015 is withdrawn from the file of Family Court, Ranga Reddy District at L.B. Nagar and transferred to the file of Family Court-cum-V Additional District Court, Visakhapatnam, 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

Date: 09.7.2015.
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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96