

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TRANSFER C.M.P. No.159 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.128 of 2014 from the file of the Senior Civil Judge Court, Ananthapur and transfer the same to the Family Court at L.B. Nagar Ranga Reddy District for disposal in accordance with law.

2. In spite of service of notice the respondent did not choose to appear and contest the matter. Hence, I am 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.

3. The marriage of the petitioner was performed with the respondent on 28.02.2008 at Jakkalavadiki village of Kanekal Mandal, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a son. The respondent herein filed O.P.No.43 of 2012 on the file of Additional Senior Civil Judge, Ananthapur for restitution of conjugal rights. The respondent is facing trial in C.C.No.584 of 2010 on the file of VI Metropolitan Magistrate, Medchel for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act. The petitioner also filed M.C.No.132 of 2010 on the file of the Family Court at L.B. Nagar, Ranga Reddy District seeking maintenance from the respondent. The respondent filed O.P.No.128 of 2014 on the file of the Senior Civil Judge Court, Ananthapur for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Maruthi Nagar, Secunderabad along with her son. The distance between Hyderabad and Ananthapur is nearly 400m KMs. The filing of the

M.C.No.132 of 2010 by the petitioner indicates her financial status. The petitioner has to face much difficulty to travel 400 KMs in order to defend O.P.No.128 of 2014. Invariably, the respondent has to attend the criminal Courts at Ranga Reddy District in view of pendency of M.C.No.132 of 2010 and C.C.No.584 of 2010. 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. If the petition is dismissed, it may cause untold hardship to the petitioner and her children. 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 Civil Miscellaneous Petition is allowed. O.P.No.128 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Ananthapur and transferred to the Family Court at L.B. Nagar, Ranga Reddy District for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any pending in this petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 14.09.2015.

GvI

^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96