

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.171 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.178 of 2014 from the file of the Judge, Family Court, Ranga Reddy District and transfer the same to the file of the Senior Civil Judge-cum-Assistant Sessions Judge, Gurazala, Guntur District for disposal in accordance with law.

2. The facts leading to filing of the present petition, in brief, are as follows:

The marriage of the petitioner was performed with the respondent on 15.08.2009 at Tirumala Tirupati Devasthanam, Tirupati as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined with the respondent at Hyderabad to lead happy marital life. Out of the lawful wedlock, they were blessed with two children aged about 4 and 3 years respectively. Unfortunately, disputes arose between the petitioner and the respondent in the month of June, 2014. The petitioner lodged a complaint to the Station House Officer, Karempudi Police Station, who in turn registered a case in Crime No.132 of 2014 for the offences under Sections 498-A, 452 and 323 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961 against the respondent. The petitioner also filed M.C.No.35 of 2014 on the file of the Additional Junior Civil Judge, Gurazala, Guntur District against the respondent seeking maintenance. The respondent filed F.C.O.P.No.178 of 2014 on the file of the Judge, Family Court, Ranga Reddy District for dissolution of marriage between him and the petitioner. Hence, the petition.

3. Learned counsel for the petitioner submitted that the petitioner has no source of income whatsoever to prosecute the case at Judge, Family Court, Ranga Reddy District.

4. Learned counsel for the respondent submitted that the petitioner foisted a false case against the respondent with an ulterior motive.

5. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 15.08.2009 at Tirumala Tirupati Devasthanam, Tirupati as per Hindu

Rites and Caste Custom. The petitioner and the respondent were blessed with two children aged about 4 and 3 years respectively. The petitioner and the respondent lived together happily for a period of nearly five years. Unfortunately, bad weather prevailed in the family life of the petitioner and the respondent, which forced them to approach different Courts for redressal. Invariably, the respondent has to attend the Criminal Courts at Gurazala. If the petition is dismissed, it may cause untold hardship and inconvenience to the petitioner. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel 220 KM to attend the Family Court at Ranga Reddy District without the assistance of some male person. It is not the case of the respondent that the petitioner is having sufficient means to attend the Family Court, Ranga Reddy District. While deciding this type of petitions, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the wife.

6. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and Sumita Singh v. Kumar Sanjay and another, 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 it is a fit case to transfer F.C.O.P.No.178 of 2014 from the file of the Judge, Family Court, Ranga Reddy District to the file of the Senior Civil Judge-cum-Assistant Sessions Judge, Gurazala, Guntur District.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.178 of 2014 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District and transferred to the file of the Senior Civil Judge-cum-Assistant Sessions Judge, Gurazala, Guntur District for disposal in accordance with law. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 09.06.2015

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