

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.273 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw O.P.No.173 of 2015 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the Senior Civil Judge Court, Kothagudem, Khammam District.

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

3. The marriage of the petitioner was performed with the respondent on 14.06.2002 at Bhadrachalam, Khammam District, 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, Bhadrachalam Police Station registered a case in Crime No.70 of 2015 for the offence punishable under Section 498-A of IPC. The respondent filed O.P.No.173 of 2015 on the file of the Family Court, Ranga Reddy District at L.B. Nagar for restitution of conjugal rights.

4. The petitioner has been residing at her parents' house in Bhadrachalam due to disputes between her and the respondent. It is not uncommon to make allegations and counter allegations in matrimonial cases for the reasons best known to the parties. The petitioner is none other than the sister's daughter of the respondent. Having regard to the facts and circumstances of the case and also the relationship between the parties, this Court is not inclined to express any opinion with regard to the allegations and counter allegations made by both the parties. The distance between Bhadrachalam and Hyderabad is around 320 KMs. The

petitioner may face much difficulty to travel 320 KMs in order to defend O.P.No.173 of 2015. Invariably the respondent has to attend the criminal Court at Bhadrachalam in view of pendency of Crime No.70 of 2015. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

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.173 of 2015 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transferred to the Senior Civil Judge Court, Kothagudem, Khammam District for trial and disposal in accordance with law.

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

T.SUNIL CHOWDARY, J.

Date: 28.09.2015.

Gv/

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[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96