

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.190 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.73 of 2015 from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar and transfer the same to the file of the Senior Civil Judge, Markapur, Prakasam 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 07.04.2004 at Giddalur Village of Prakasam District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined with the respondent to lead happy marital life. Out of the lawful wedlock, the petitioner and the respondent were blessed with two children. Due to disputes, the petitioner has been residing at Giddalur Town along with her parents. Basing on the complaint of the petitioner, the Station House Officer, Alwal Police Station registered a case in Crime No.801 of 2013 against the respondent for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The petitioner also filed M.C.No.39 of 2013 against the respondent seeking maintenance and the same is pending on the file of the Additional Junior Civil Judge, Giddalur. The respondent filed O.P.No.73 of 2015 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for dissolution of marriage between him and the petitioner. Hence, the petition.

3. Heard the learned counsel for the petitioner.

4. The respondent having received the notice did not choose to appear before this Court. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

5. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 07.04.2004 at Giddalur Village of Prakasam District as per Hindu Rites and Caste Custom. Out of lawful wedlock, the petitioner and the respondent were blessed with two children. The petitioner has been residing in Giddalur at her parents' house. It may not be possible for the petitioner to travel from Markapur to

Ranga Reddy District along with her two children without the assistance of some male person. If the petition is not allowed, it may cause untold hardship and inconvenience to the petitioner when compared to the respondent.

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 case cited supra, I am of the considered view that it is a fit case to transfer O.P.No.73 of 2015 from the file of the Judge, Family Court, Ranga Reddy District to the file of the Senior Civil Judge, Markapur, Prakasam District.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.73 of 2015 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar and transferred to the file of the Senior Civil Judge, Markapur, Prakasam 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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