

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.291 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.530 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, Kakinada, East Godavari District for disposal in accordance with law.

2. _____ Heard the learned counsel for both the parties.

3. _____ The marriage of the petitioner was performed with the respondent on 12.11.2011 at Merchants Association, Grandhibabji Kalyanamandapam, Kakinada, East Godavari District, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C.No.16 of 2012 on the file V Additional Judicial First Class Magistrate, Kakinada seeking maintenance from the respondent. The respondent is also facing trial in C.C.No.260 of 2013 on the file of V Additional Judicial First Class Magistrate, Kakinada for the offences punishable under Sections 498-A, 323 and 506 read with 34 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The respondent filed O.P.No.530 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.

4. _____ The petitioner has been residing at her parents' house in Kakinada due to misunderstandings between her and the respondent. Learned counsel for the respondent submitted that by the time of filing of the petition, the petitioner was working as Lecturer in Hyderabad. Learned counsel for the petitioner submitted that the petitioner has resigned to her job long back and staying at Kakinada. The distance between Kakinada and Hyderabad is around 450 KM. The petitioner

may face some difficulty to travel from Kakinada to Hyderabad to prosecute O.P.No.530 of 2015. Invariably, the respondent has to attend the Criminal Courts in Kakinada in view of pendency of M.C.No.16 of 2012 and C.C.No.260 of 2013. 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 more particularly to the wife and children.

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

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay and another**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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 deserves to be allowed.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.530 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, Kakinada, East Godavari District for disposal in accordance with law. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 27.08.2015

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^[1] 2013 (6) ALT 42 (SC)

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

[\[3\]](#) AIR 2002 SC 396