

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.1 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.434 of 2014 from the file of the Family Court, Guntur and transfer the same to the Family Court, City Civil Court, Hyderabad or Secunderabad.

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

3. The marriage of the petitioner was performed with the respondent on 02.02.2012 at Rajahmundry, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life at Guntur. Out of lawful wedlock, the petitioner and the respondent were blessed with a son on 11.10.2013. The petitioner filed DVC No.49 of 2014 against the respondent and the same is pending on the file of the X Metropolitan Magistrate, Cyberabad at Malkajiri. The respondent filed F.C.O.P. No.434 of 2014 on the file of the Family Court, Guntur for dissolution of marriage between him and the petitioner._

4. Due to misunderstandings, the petitioner has been residing at her parents' house at Hyderabad along with her minor son. The distance between Hyderabad and Guntur is around 350 KMs. It may not be possible for the petitioner to travel 350 KMs along with her minor son in order to prosecute FCOP No.434 of 2014 at Guntur. Invariably the respondent has to attend the Court at Hyderabad in view of pendency of DVC No.49 of 2014. 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 **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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 case 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. F.C.O.P.No.434 of 2014 is withdrawn from the file of the Family Court, Guntur and transferred to the Family Court, City Civil Court, Secunderabad for trial and disposal in accordance with law. No costs.

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

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T.SUNIL CHOWDARY, J.

Date: 17.07.2015.

Gv/

^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96