

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.160 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw M.O.P.No.96 of 2014 from the file of Family Court, Ranga Reddy district at L.B.Nagar and transfer the same to Family Court, Nalgonda.

2 The learned counsel for the petitioner submitted that the petitioner, being lady, is not in a position to attend the Court at L.b.Nagar in Ranga Reddy district.

3 On the other hand, the learned counsel for the respondent submitted that the petitioner filed the present petition with an ulterior motive to harass the respondent. He further submitted that the petitioner intentionally did not file counter in M.O.P.No.96 of 2014 before the Family Court at L.B.Nagar in Ranga Reddy district.

4 I have perused the affidavit filed in support of the petition and also the counter filed by the respondent.

5 As per the averments made in the petition, the marriage of the petitioner was performed with the respondent on 07.06.2010 at Nalgonda as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a daughter on 07.06.2011. For obvious reasons, disputes arose between the parties. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Nalgonda registered a case against the respondent and others for the offence punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act. Thereafter, the respondent filed O.P.No.96 of 2014 on the file of the Family Court, Ranga Reddy District at L.B. Nagar for dissolution of the marriage between him and the petitioner. At present, the petitioner is residing at her parents' house in Nalgonda along with her daughter since June 2013 due to the disputes.

6 It is not the case of the respondent that the petitioner has sufficient source of income to maintain herself and her daughter besides prosecuting the O.P.No.96 of 2014 filed by him at L.B. Nagar. The distance between Nalgonda and L.B. Nagar is about 100 K.M. In those circumstances and as rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel all the way from Nalgonda to L.B.Nagar to defend the O.P. filed by the respondent. If the petition is not allowed, it will certainly cause untold hardship to the petitioner. The petitioner has made out valid grounds for transfer of the O.P.No.96 of 2014. The court has to take into consideration the inconvenience likely to be caused to the wife. Even if the petition is allowed, the same may not cause any prejudice or hardship to the respondent.

7 As per the principle laid down in ***Sumita Singh Vs. Kumar Sanjay, Rachna Kanodia Vs. Anuk Kanodia***, and ***V. Sailaja Vs. V. Koteswara Rao***, 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 petitioner deserves the relief as sought for.

8 In the result, the petition is allowed and M.O.P.No.96 of 2014 pending on the file of the Family Court, Ranga Reddy District at L.B.Nagar is withdrawn from the file of the said Court and the same is transferred to the Family Court at Nalgonda for disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 16.06.2015

Kvsn