

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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Transfer C.M.P.No.244 of 2015

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Between:

Smt.Tengellamudi Hema Kumari @ Hanuman
Laxmi Hema Kumari

.. Petitioner

And

Tengellamudi Venkat Raju (Suresh)

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 18.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.244 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.727 of 2014 from the file of the Family Court, Vijayawada, and transfer the same to the Family Court, Ranga Reddy District, at

L.B.Nagar.

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

3. The marriage of the petitioner was performed with the respondent on 28.05.2005 at Vijayawada, Krishna 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, Rajendranagar Police Station, registered a case in Crime No.551 of 2015 against the respondent and others for the offences punishable under Sections 498-A, 420 and 494 IPC and Sections 3 and 4 of the Dowry Prohibition Act. The respondent filed O.P.No.727 of 2014 on the file of the Family Court, Vijayawada for dissolution of marriage between him and the petitioner. The petitioner filed O.P.No.1627 of 2014 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 at Hyderabad due to misunderstandings between her and the respondent. The distance between Hyderabad and Vijayawada is around 250 kilometers. The petitioner may face some difficulty to travel from Hyderabad to Vijayawada in order to prosecute O.P.No.727 of 2014. Invariably, the respondent has to attend the Family Court and Criminal Court in Ranga Reddy District at L.B.Nagar, Hyderabad. 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, the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[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 it is a fit case to allow the petition.

7. At the time of arguments, learned counsel for the respondent submitted that at present the respondent is working on deputation in the state of Karnataka and at the time of filing of O.P.No.727 of 2014, the respondent was staying at Kurnool. He further submitted that the respondent may face some difficulty for attending the Court at Hyderabad. As pointed out by the learned counsel for the respondent, it may not be possible for the respondent to attend the Family Court, Ranga Reddy District, at L.B.Nagar on each and every date of adjournment in view of his nature of employment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.727 of 2014 is withdrawn from the file of the Family Court, Vijayawada, Krishna District, and transferred to the Family Court, Ranga Reddy District, at L.B.Nagar. The presence of the respondent in O.P.No.727 of 2014 before the Family Court, Ranga Reddy District, at L.B.Nagar is dispensed with for each and every adjournment. However, he shall appear before the Family Court, Ranga Reddy District, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

18.08.2015.

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

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

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