

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P. No.305 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.19 of 2015 from the file of the Family Court, Eluru, West Godavari District and transfer the same to the file of the Family Court, City Civil Court, Hyderabad to be tried along with F.C.O.P.No.1795 of 2014.

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

3. The marriage of the petitioner was performed with the respondent on 12.03.2006 in Maruthi Gardens, Red Hills, Hyderabad, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a daughter on 22.08.2009. The petitioner filed F.C.O.P.No.1795 of 2014 on the file of the Judge, Family Court, City Civil Court, Hyderabad for restitution of conjugal rights. The petitioner also filed O.P.No.880 of 2015 on the file of the Family Court, Hyderabad seeking maintenance from the respondent. The respondent filed H.M.O.P.No.19 of 2015 on the file of the Family Court at Eluru for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing in her parents' house at Hyderabad due to matrimonial disputes. The distance between Eluru and Hyderabad is around 250 kilometers. The petitioner may face some difficulty to travel from Hyderabad to Eluru along with her daughter in order to prosecute H.M.O.P.No.19 of 2015. Invariably, the respondent has to attend the Family Court, City Civil Court, Hyderabad in view of pendency of F.C.O.P.No.1795 of 2014 and O.P.No.880 of 2015. 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, 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.

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. H.M.O.P.No.19 of 2015 is withdrawn from the file of the Family Court, Eluru, West Godavari District and transferred to the file of the Family Court, City Civil Court, Hyderabad for disposal in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.

T.SUNIL CHOWDARY, J

Date: 05.10.2015

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