

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. Nos.164 and 215 of 2015

COMMON ORDER:

Transfer CMP No.164 of 2015 is filed under Section 24 CPC by the petitioner (husband) to withdraw O.P. No.171 of 2014 from the Court of Additional Senior Civil Judge, Anantapur and transfer the same to the file of Family Court, Ranga Reddy District at N.T.R. Nagar, Hyderabad, for disposal in accordance with law.

2. Transfer CMP No.215 of 2015 is filed under Section 24 CPC by the petitioner (wife) to withdraw O.P. No.984 of 2014 from the file of Family Court, Ranga Reddy District and transfer the same to the Court of Additional Senior Civil Judge, Anantapur, for disposal along with O.P. No.171 of 2014.

3. The parties to both the petitions are one and the same and the nature of relief sought in both the petitions is similar; hence, I am inclined to dispose of the petition by common order. The parties will hereinafter be referred to as they arrayed in Transfer CMP No.215 of 2015, for the sake of convenience.

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

5. The marriage of the petitioner was performed with the respondent on 09.2.2014 in Arya Samaj Mandir, Warangal as per Vedic rituals. The respondent filed O.P. No.984 of 2014 on the file of Family Court, Ranga Reddy District for restitution of conjugal rights. The petitioner filed O.P. No.171 of 2014 on the file of Additional Senior Civil Judge Court, Anantapur to declare the marriage between her and the respondent as null and void.

6. The petitioner and respondent are Engineering Graduates. Unfortunately, bad weather prevailed in the family life of the petitioner

and the respondent within one week from the date of the marriage. The petitioner hails from Anantapur whereas the respondent hails from Warangal. The respondent has been residing in Hyderabad in view of his employment. The petitioner has been residing at her parents' house at Anantapur since February, 2014. It is not the case of the respondent that the petitioner is having source of income. The distance between Anantapur and Hyderabad is about 350 KMs. It may not be possible for the petitioner to travel from Anantapur to Hyderabad without the assistance of one of the male members of the family. The scope of enquiry in O.P. No.171 of 2014 is wider than the scope of enquiry in O.P. No.984 of 2014. While deciding the petitions of this nature, the court has to take into consideration the inconvenience caused to the parties to the proceedings more particularly the inconvenience likely to be caused to the wife.

7. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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.

8. At the time of arguments, learned counsel for both the parties, in one voice, submitted that both the matters may be transferred to the Family Court, Anantapur in the interest of both the parties. The learned counsel for the respondent further submitted that the presence of the respondent before the Family Court, Anantapur in connection with O.P. No.171 of 2014 and O.P. No.984 of 2014 may be dispensed with.

9. Accordingly, Transfer CMP No.164 of 2015 is dismissed. However, O.P. No.171 of 2014 is withdrawn from the Court of Additional Senior Civil Judge, Anantapur and transferred to the file of Family Court,

Anantapur, for disposal in accordance with law. Transfer CMP No.215 of 2015 is allowed. O.P. No.984 of 2014 is withdrawn from the file of Family Court, Ranga Reddy District and transferred to the file of Family Court, Anantapur, for disposal in accordance with law. The presence of the respondent (husband) before the Family Court, Anantapur in connection with O.P. No.171 of 2014 and O.P. No.984 of 2014 on each and every date of adjournment is hereby dispensed with. However, he shall appear before the Family Court, Anantapur as and when his presence is so required. As a sequel, miscellaneous petitions, if any, pending in these transfer petitions shall stand closed.

T.SUNIL CHOWDARY, J

Date: 30.6.2015.

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[\[1\]](#) AIR 2002 SC 396

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