

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

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Tr.C.M.P. No.276 of 2015

Between:

Smt. Tariboena Rajani

.. Petitioner

and

Tariboena Sreekanth

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 29.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.276 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.310 of 2015 from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar and transfer the same to the file of the Judge, Family Court, Ananthapur District for disposal in accordance with law.

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 28.11.2010 at Hyderabad 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 son. The respondent filed O.P.No.310 of 2015 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for dissolution of marriage between him and the petitioner. The petitioner has been residing at her parents' house at Ananthapur Town along with her son due to misunderstandings between her and the respondent. As per the recitals in O.P.No.310 of 2015, the petitioner has been residing in Ananthapur Town. The petitioner may face much difficulty to travel 350 KM along with her son in order to prosecute O.P.No.310 of 2015 at 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 to the wife and children.

4. _____ As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], Rachna Kanodia v. Anuk
Kanodia^[2] and Sumita Singh v. Kumar Sanjay and another^[3],
the paramount consideration, in transfer of matrimonial cases, is the
convenience of the wife.

5. 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.

6. As rightly pointed out by the learned counsel for the respondent, it may not be possible for the respondent to attend the Family Court at Ananthapur on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.310 of 2015 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar and transferred to the file of the Judge, Family Court, Ananthapur District for disposal in accordance with law. The presence of the respondent (husband) in respect of O.P.No.310 of 2015 is hereby dispensed with on each and every date of adjournment before the Judge, Family Court, Ananthapur. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 29.07.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

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

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