

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.409 of 2013

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.368 of 2012 from the file of the Judge, Family Court, Nellore, and transfer the same to the file of the Judge, Family Court, R.R.District at L.B.Nagar, for disposal in accordance with law.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that the petitioner is facing much difficulty to attend the Court at Nellore. Learned counsel for the respondent submitted that the petitioner filed O.P.No.924 of 2013 with an ulterior motive to harass the respondent.

4. I have perused the material available on record for better appreciation of rival contentions. The marriage of the petitioner was performed with the respondent on 20.05.2006 at Tulja Bhavan, Kachiguda, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, they were blessed with a daughter. The respondent filed F.C.O.P.No.368 of 2012 on the file of Family Court, Nellore for dissolution of marriage between him and the petitioner. The petitioner filed O.P.No.924 of 2013 on the file of the Family Court, R.R.District, at L.B.Nagar, for restitution of conjugal rights.

5. A perusal of the record clearly reveals that bad weather prevailed in the family life of petitioner and respondent after six years of their marriage. The petitioner has been residing at Hyderabad at her parents house along with her daughter. The distance between Nellore and Hyderabad is more than 650 kilometers. It may not be possible for the petitioner to travel from Hyderabad to Nellore along with her minor daughter without the assistance of some male person. 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.

6. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia**, and **Sumita Singh v. Kumar Sanjay**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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 it is a fit case to allow the petition. Learned counsel for the respondent submitted that the respondent has been working as a Seaman and it may not be possible for him to attend the Family Court at Hyderabad on each and every date of adjournment. 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. F.C.O.P.No.368 of 2012 is withdrawn from the file of the Family Court, Nellore, and transferred to the file of the Judge, Family Court, R.R.District, at L.B.Nagar, for disposal in accordance with law. The presence of the respondent/husband is hereby dispensed with in F.C.O.P.No.368 of 2012 on the file of the Family Court, R.R.District, at L.B.Nagar, on each and every date of adjournment. However, the respondent/husband shall appear before the Family Court, R.R.District, at L.B.Nagar, as and when his presence is so required. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 18.06.2015.

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