

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.459 of 2015

ORDER:

This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.656 of 2015 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the file of Family Court, Rajahmundry.

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

3. The marriage of the petitioner was officiated with the respondent on 20.6.1999 in Secunderabad as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a son and a daughter. The petitioner filed M.C. No.19 of 2008 on the file of the Family Court, Rajahmundry seeking maintenance from the respondent. The respondent filed O.P. No.656 of 2015 on the file of the Family Court, Ranga Reddy District, at L.B. Nagar, Hyderabad for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing in Rajahmundry along with her children at parents' house due to the disputes between her and the respondent. The distance between Rajahmundry and Hyderabad is around 500 KMs. It may not be possible for the petitioner to travel 500 KMs in order to prosecute O.P. No.656 of 2015 in Family Court, Ranga Reddy District, without the help of one of the male members of the family. The petitioner has to look after the welfare of her children.

5. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the wife and children. As per the principle enunciated in **Sumita Singh v Kumar Sanjay** and **Rachna Kanodia v Anuk Kanodia**, 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 cases cited supra, I am of the considered view that the petitioner deserves the relief as sought for.

6. It is an admitted fact that the respondent has been working as a Technician in Nuclear Fuel Complex, Hyderabad. As rightly pointed out by the learned counsel for the respondent, it may not be possible for the respondent to attend the Family Court, Rajahmundry on each and every date of adjournment in view of nature of his employment. Even if the presence of the respondent, as urged by the learned counsel for the respondent, is dispensed with, no prejudice will be caused to the petitioner.

7. In the result, the petition is allowed, O.P.No.656 of 2015 is withdrawn from the file of the Family Court, Ranga Reddy District and transferred to the Family Court, Rajahmundry for trial and disposal in accordance with law. The presence of the respondent before the Family Court, Rajahmundry in connection with O.P. No.656 of 2015 is hereby dispensed with for each and every date of adjournment. However, he shall appear before the Family Court, Rajahmundry as and when his presence is so required. Miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 30.9.2015

YS