

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.739 of 2014

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.1350 of 2014 from the file of Additional Family Court, City Civil Courts, Hyderabad and transfer the same to the file of Family Court, Rajahmundry, East Godavari 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 21.5.2010 at Dwaraka Tirumala, West Godavari District as per Hindu rites and caste customs. Immediately after the marriage, petitioner joined the respondent to lead marital life. The respondent filed the O.P. seeking dissolution of the marriage between him and the petitioner.

4. Due to family disputes, the petitioner has been residing at her parents' house at Rajahmundry. The distance between Rajahmundry and Hyderabad is about 400 KMs. It may not be possible for the petitioner to travel 400 KMs i.e., from Rajahmundry to Hyderabad to defend the O.P. at Hyderabad. It is not the case of the respondent that the petitioner is having sufficient means to travel from Rajahmundry to Hyderabad. If the petition is dismissed, it may cause untold hardship and inconvenience to the petitioner. Even if the petition is allowed, the same may not cause prejudice to the respondent. While deciding this type of petitions, the court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, 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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6 . Accordingly, the Transfer Miscellaneous Petition is allowed. O.P. No.1350 of 2014 is withdrawn from the file of the Additional Family Court, City Civil Courts, Hyderabad and transferred to the file of Family Court, Rajahmundry, East Godavari District for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 18.6.2015.

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