

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.225 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw H.M.O.P. No.11 of 2015 from the file of Principal Senior Civil Judge, Eluru, West Godavari District and transfer the same to the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the affidavit filed in support of the petition as well as the counter.

3. The marriage of the petitioner was performed with the respondent on 13.2.2013 at Sri Balaji Narsu Hari Krishna Babu Kalyana Mandapam, Kandriga Gudem, Eluru Rural, West Godavari District, as per the Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C. No.80 of 2015 on the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, seeking maintenance from the respondent. The respondent filed H.M.O.P. No. 11 of 2015 on the file of Principal Senior Civil Judge, Eluru for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house at Hyderabad. The stand of the respondent that there is a life threat to him if he comes to Hyderabad is not supported by any cogent and convincing material. It is not uncommon, in matrimonial cases, to take this type of defenses. At the time of the arguments, the learned counsel for both the parties, in one voice, submitted that the respondent has been working as Software Engineer in Bengaluru. Invariably, the respondent has to attend the Family Court, Ranga Reddy District in connection with M.C. No.80 of 2015. Bengaluru is nearer to Hyderabad when compared with Eluru. If the petition is

dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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. H.M.O.P. No.11 of 2015 is withdrawn from the file of Principal Senior Civil Judge, Eluru, West Godavari District and transferred to the file of Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.6.2015.

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^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96