

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.680 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.1279 of 2013 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to Senior Civil Judge Court, Peddapuram, East Godavari District, for disposal in accordance with law.

2. Heard both sides and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 14.04.2013 at Sri Veera Venkata Satyanarayana Swamy Vari Temple, Annavaram, East Godavari District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint given by the petitioner, the Station House Officer, Rajahmundry, registered a case in Crime No.342 of 2013 under Sections 366, 384, 342 and 506 IPC read with 34 IPC. The petitioner filed O.P.No.19 of 2014 on the file of the Senior Civil Judge, Peddapuram for annulment of marriage between her and the respondent. The respondent filed F.C.O.P.No.1279 of 2013 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar, for restitution of conjugal rights.

4. The petitioner has been residing at her parents house at Peddapuram. Unfortunately, bad weather prevailed in the family life of the petitioner and the respondent within short period after the marriage. Learned counsel for the respondent submitted that both parties belong to Peddapuram area. The petitioner may face some difficulty to attend and prosecute the case at Ranga Reddy District. The scope of O.P.No.19 of 2014 is wider than the scope of F.C.O.P.No.1279 of 2013. Even if the petition is allowed, the same

may not cause any prejudice to the respondent. 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, the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am inclined to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1279 of 2013 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of the Senior Civil Judge Court, Peddapuram, East Godavari District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

06.08.2015.
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[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

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

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