

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TRANSFER C.M.P. No.204 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.167 of 2015 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the file of the Family Court, Kadapa, YSR (Kadapa) District for disposal in accordance with law.

2. As directed by this Court, the petitioner served notice on the respondent by way of substituted service by publishing in Newspaper mentioning the date of listing of the matter as 04.09.2015. In spite of paper publication, the respondent did not choose to appear and oppose the petition. As notice was duly served on the respondent, I am inclined to dispose of the matter on merits.

3. Heard the learned counsel for the petitioner and perused the material available on record.

4. The marriage of the petitioner was officiated with the respondent on 25.01.2013 at Bellary, Karnataka State, as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P.No.167 of 2015 on the file of the Family Court, Ranga Reddy District at L.B. Nagar seeking for judicial separation.

5. The petitioner has been residing at her parents' house in Kadapa due to misunderstandings between her and the respondent. The distance between Kadapa and Hyderabad is around 400 KMs. The petitioner may face much difficulty to travel from Kadapa to Hyderabad in order to defend O.P.No.167 of 2015. 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. 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.

6. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 relief sought by the petitioner can be granted.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.167 of 2015 is withdrawn from the file of the Family Court at L.B. Nagar, Ranga Reddy District and transferred to the Family Court, Kadapa, YSR (Kadapa) District for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any pending in this petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 08.09.2015.

Gv/

^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96