

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.436 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw F.C.O.P.No.873 of 2015 from the file of the Family Court, R.R. District at L.B. Nagar and transfer the same to the Senior Civil Judge Court, Bheemavaram, West Godavari District.

2. Heard both the counsel and perused the affidavit filed in support of the petition and the counter of the respondent.

3. The marriage of the petitioner was performed with the respondent on 25.08.2013 at VSS Gardens, Bheemavaram, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed F.C.O.P.No.873 of 2015 on the file of the Family Court, R.R. District at L.B. Nagar for annulment of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Bheemavaram due to misunderstandings between her and the respondent. Even as per the averments made in F.C.O.P.No.873 of 2015, the petitioner hails from Bheemavaram Village of West Godavari District.

5. Learned counsel for the respondent submitted that there is life threat to the respondent if he goes to Bheemavaram. It is not uncommon to make allegations and counter allegations in matrimonial cases for the reasons best known to the parties to the proceedings. If this Court expresses any opinion with regard to the allegations made by the respondent, the same may cause prejudice to one of the parties to the proceedings at the time of trial. Keeping in mind the scope of transfer petition, I am not

inclined to express any opinion touching the merits of the main case. The petitioner may face much difficulty to travel all the way from Bheemavaram to Hyderabad to defend F.C.O.P.No.873 of 2015. 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. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

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. F.C.O.P.No.873 of 2015 is withdrawn from the file of the Family Court, R.R. District at L.B. Nagar and transferred to the Senior Civil Judge Court, Bheemavaram, West Godavari District for trial and disposal in accordance with law.

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

T.SUNIL CHOWDARY, J.

Date: 22.09.2015.

Gv/

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[\[1\]](#) AIR 2002 SC 396

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