

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.44 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.536 of 2014 pending on the file of Family Court, Ranga Reddy District at L.B.Nagar and transfer the same to any competent Court in Medak town.

2 The learned counsel for the petitioner submitted that the petitioner, being a lady, is not in a position to attend the Family Court at L.B. Nagar.

3 On the other hand, the learned counsel for the respondent submitted that there is life threat for the respondent if he goes to Medak.

4. I have carefully perused the material available on record. It is admitted that the marriage of the petitioner was performed with the respondent on 13.05.2011 at Medak as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, they were blessed with a son. Unfortunately disputes arose between the petitioner and the respondent in the month of June 2013, because of which, the petitioner has been residing at her parents' house in Medak along with her son.

5. The respondent filed O.P.No.156 of 2014 against the petitioner on the file of Family Court, R.R. District at L.B.Nagar for dissolution of marriage between him and the petitioner. It is not the case of the respondent that the petitioner has sufficient means to prosecute the case at Ranga Reddy Court. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel all the way from Medak to L.B.Nagar, Hyderabad along with her son without male assistance. Absolutely there is no material, much less cogent and convincing, to substantiate the stand of the respondent that there is life threat to him if he goes to Medak. It is not

uncommon to take this type of pleas in order to gain sympathy of the Court.

6. The Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings. If the petition is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the petition is transferred, the same may not cause any prejudice to the respondent.

7 As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay, Rachna Kanodia Vs. Anuk Kanodia**, and **V. Sailaja Vs. V. Koteswara Rao**, 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 petitioner deserves the relief as sought for.

8 In the result, the petition is allowed and the O.P.No.536 of 2014 pending on the file of Family Court, Ranga Reddy District at L.B.Nagar is withdrawn from the file of the said Court and the same is transferred to the Court of Senior Civil Judge, Medak for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 15.06.2015

Kvsn