

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.C.M.P. Nos.139 of 2015 & 803 of 2014

COMMON ORDER:

Tr.C.M.P.No.139 of 2015 is filed by the husband for transfer of F.C.O.P.No.137 of 2014 from the file of Judge, Family Court, Ongole to the Judge, Family Court, Ranga Reddy District.

2. Tr.C.M.P.No.803 of 2014 is filed by the wife for transfer of F.C.O.P.No.1422 of 2014 from the file of Family Court, Ranga Reddy to the Judge, Family Court, Ongole, Prakasam District.

3. The parties to both the petitions are one and the same. The issue involved in both the matters is almost one and the same. Hence, I am inclined to pass common order in both the matters in order to avoid inconvenience. The parties will be referred to as they are arrayed in Tr.C.M.P.No.803 of 2014.

4. Heard both the counsel.

5. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 01.09.2010 at Tirumala, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. For obvious reasons, disputes arose between the petitioner and the respondent in the year 2011. Basing on the complaint lodged by the petitioner, the Station House Officer, Ongole Taluk, Prakasam District registered a case in Crime No.442 of 2014 against the respondent and others for the offence punishable under Section 498-A of IPC and Sections 3 & 4 of Dowry Prohibition Act on 18.08.2014. The petitioner filed O.P.No.137 of 2014 on the file of the Family Court, Ongole for restitution of conjugal rights. The respondent filed O.P.No.1422 of 2014 on the file of the Family Court, Ranga Reddy District for dissolution of marriage between him and the petitioner.

6. Out of lawful wedlock, the petitioner and the respondent were blessed with a son on 24.02.2013. The petitioner has been residing at her parents' house along with her minor son. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and her son and also prosecute the case at Hyderabad.

7. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel 400 KMs i.e., from Ongole to Hyderabad without assistance of some male member of the family. The respondent has been working as a private employee at Hyderabad. If Tr.C.M.P.No.139 of 2015 is allowed, the same may cause inconvenience to the petitioner/wife and if Tr.C.M.P.No.803 of 2014 is allowed, the same may not cause any inconvenience to the respondent/husband. While disposing of this type of petitions, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

8. 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.

9. Accordingly, the Tr.C.M.P.No.139 of 2015 is dismissed and Tr.C.M.P.No.803 of 2014 is allowed. FCOP No.1422 of 2014 is withdrawn from the file of Family Court, Ranga Reddy District at L.B. Nagar and transferred to Family Court, Ongole, Prakasam District. The Family Court, Ongole is hereby directed to dispense with the presence of respondent/husband for each and every date of adjournment. However, husband shall appear as and when the Court

feels that his presence is so required. No costs.

As a sequel, miscellaneous petitions, if any filed in these civil miscellaneous petitions, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 18.06.2015.

Gv/

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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