

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.285 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.49 of 2014 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the Family Court, Guntur or to any other competent Court at Guntur for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner may face much difficulty to travel from Guntur to Hyderabad to prosecute the case. Learned counsel for the respondent submitted that the petitioner filed the present petition with frivolous allegations as if she is resident of Guntur. He further submitted that at present the petitioner is staying at Hyderabad along with her father.

3. I have perused the material available on record including the affidavit filed in support of the petition and the counter. The marriage of the petitioner was performed with the respondent on 12.06.2011 at Sri Krishna Gardens, Pragathi Nagar, Hyderabad, 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 parties to the proceedings. The respondent filed FCOP No.49 of 2014 on the file of the Family Court, Ranga Reddy District for dissolution of marriage between him and the petitioner.

4. At the time of argument, learned counsel for the respondent submitted that the petitioner originally hails from Guntur District. Absolutely there is no material on record to substantiate the stand of the respondent that the petitioner has been residing in Hyderabad along with her father.

5. The respondent has taken specific ground in para-7 of the counter while opposing the transfer petition. It is not uncommon to make this type of allegations for reasons best known to the parties to the proceedings. This Court is not inclined to go into deep about the allegations mentioned in para-7 which are *ex facie* baseless and frivolous. 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 **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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.49 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar and transferred to the Family Court, Guntur for trial and disposal in accordance with law. No costs.

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

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T.SUNIL CHOWDARY, J.

Date: 18.06.2015.

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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