

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.290 of 2014

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw F.C.O.P.No.1214 of 2013 pending on the file of Family Court, Ranga Reddy District at L.B.Nagar and transfer the same to the Court of Senior Civil Judge, Narsapur of West Godavari district.

2 The learned counsel for the petitioner submitted that the petitioner, being a lady, is facing much difficulty to attend the Court at L.B. Nagar.

3 On the other hand, the learned counsel for the respondent submitted that the petitioner filed the present petition with an ulterior motive and to harass the respondent.

4 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 10.02.2008 at HSPH function hall at Hayathnagar 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 daughter. Unfortunately disputes arose between the petitioner and the respondent. Basing on the complaint lodged by the petitioner, the Station House Officer, Saroornagar police station registered a case in Cr.No.161 of 2013 against the respondent and others under Section 498-A and 506 of IPC and under Sections 3 and 4 of the Dowry Prohibition Act. The petitioner also filed DVC No.2 of 2014 on the file of the Court of the Judicial Magistrate of I Class, Palakol of West Godavari district. At present the petitioner is residing at her parents' house in Palakol along with her daughter. The respondent filed FCOP No.1214 of 2013 on the file of Family Court, Ranga Reddy district at L.B.Nagar for dissolution of marriage between him and the petitioner.

5 The fact remains that the petitioner is a native of Palakol. The distance between Palakol and L.B. Nagar is more than 450 k.m. 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 Palakol to L.B. Nagar in Ranga Reddy district along with her minor daughter that too without the support of a male person in the family. The petitioner and the respondent made allegations and counter allegations against each other. But I am not inclined to express any opinion with regard to the said allegations and counter allegations levelled against each other.

6 The Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings. If the O.P. 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 F.C.O.P.No.1214 of 2013 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, Narsapur of West Godavari district for trial and disposal in accordance with law. However, the presence of the respondent before the learned Senior Civil Judge, Narsapur is dispensed with for each and every adjournment. But the respondent / husband shall appear before the said Court as and when his presence is so required. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 17.06.2015

Kvsn