

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TRANSFER C.M.P. No.769 of 2014

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw F.C.O.P.No.1539 of 2013 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the file of the senior Civil Judge at Amalapuram for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 23.08.2005 at Amalapuram, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with one daughter and one son. The petitioner has been residing at her parents' house in Amalapuram due to misunderstandings between her and the respondent. The respondent filed F.C.O.P.No.1539 of 2013 on the file of the Family Court, Ranga Reddy District at L.B. Nagar for dissolution of marriage between him and the petitioner.

4. It is an admitted fact that petitioner has been looking after the welfare of her two children. Learned counsel for the respondent submitted that there is a life threat to the respondent, if the matter is transferred to Amalapuram. It is not uncommon to make allegations and counter allegations by the parties to the legal proceedings, more particularly, in matrimonial cases. If this Court expresses any opinion with regard to the allegations and counter allegations made by the parties, the same may cause prejudice to one of the parties to the proceedings. The distance between Amalapuram and Hyderabad is around 500 KMs. It may not be possible for the petitioner to travel 500 KMs along with her two children in order to defend F.C.O.P.No.1539 of 2013 at Ranga Reddy District. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience

likely to be caused to the parties to the proceedings. If the petition is dismissed, it may cause untold hardship to the petitioner and her children. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. 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.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1539 of 2013 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transferred to the Senior Civil Judge Court at Amalapuram for trial and disposal in accordance with law. No costs.

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

T.SUNIL CHOWDARY, J.

Date: 08.09.2015.

GvI

^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96