

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.66 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.2106 of 2014 from the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to the file of the Judge, Family Court, at Vijayawada, Krishna District, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 14.12.2003 at Vijayawada, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to misunderstandings, the petitioner has been residing at Vijayawada at her parents house. At the time of arguments, learned counsel for the petitioner submitted that the children are with the petitioner. The distance between Vijayawada and Hyderabad is more than 200 kilometers. It may not be possible for the petitioner to travel from Vijayawada to Hyderabad along with her children without the assistance of one of the male members of the family. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and her children. 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, more particularly, the wife.

4. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v.**

Kumar Sanjay^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

5. 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 petitioner is entitled for the relief sought for.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.2106 of 2014 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transferred to the file of the Judge, Family Court, at Vijayawada, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:01.07.2015.
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^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] 2001(7) Supreme 96

^[3] AIR 2002 SC 396