

**THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

**Tr.CMP No.333 of 2015**

**ORDER:**

1            This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.100 of 2015 pending on the file of the Family Court at Warangal and transfer the same to the Court of Senior Civil Judge, Peddapalli.

2            In spite of service of notice, the respondent did not choose to appear and contest the matter. Hence I am inclined to decide the matter in the absence of the respondent.

3            A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 30.05.2002 at Amarchanda Kalyanamantapam, Peddapalli village as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of the lawful wedlock, the petitioner and the respondent were blessed with a son. The petitioner filed M.C.No.3 of 2015 on the file of the Court of the Judicial Magistrate of I Class, Peddapalli seeking maintenance from the respondent. The respondent filed O.P.No.100 of 2015 on the file of the Family Court, Warangal for restitution of conjugal rights.

4            The petitioner has been residing at her parents' house at Peddapalli due to misunderstandings between her and the respondent, whereas the respondent has

been residing at Warangal. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and prosecute the O.P. at Warangal without the assistance of any male member. Hence it may not be possible for the petitioner to travel all the way from Peddapalli to Warangal for each and every adjournment. Invariably, the respondent has to attend the Magistrate Court at Peddapalli to contest the Maintenance Case filed by the petitioner.

5           While deciding the petitions of this nature, the Court has to take into consideration the convenience of the parties to the proceedings, more particularly, the convenience of the wife. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

6           As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***<sup>[1]</sup>, ***Rachna Kanodia Vs. Anuk Kanodia***<sup>[2]</sup>, and ***V. Sailaja Vs. V. Koteswara Rao***<sup>[3]</sup>, 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.

7        In the result, the petition is allowed and O.P.No.100 of 2015 pending on the file of the Family Court at Warangal is withdrawn from the file of the said Court and the same is transferred to the Court of Senior Civil Judge, Peddapalli for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

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***T. SUNIL CHOWDARY, J***

***Date: 20.07.2015***  
***Kvsn***

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[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96

[\[3\]](#) AIR 2003 AP 178