

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.106 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.1912 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, Ongole, Prakasam District for disposal in accordance with law.

2. _____ Heard the learned counsel for the petitioner.

3. _____ In spite of service of notice to the respondent by way of paper publication, he 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.

4. _____ The marriage of the petitioner was performed with the respondent on 15.12.2012 at Lakshmi Gardens, Kompally, Secunderabad, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Ongole Taluq Police Station, Prakasam District registered a case in Crime No.277 of 2014 against the respondent and others for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The respondent is also facing trial in D.V.C.No.18 of 2014 on the file of III Additional Judicial Magistrate of First Class, Ongole. The respondent filed F.C.O.P.No.1912 of 2014 on the file of the Judge, Family Court, Ranga Reddy District at L.B. Nagar for dissolution of marriage between him and the petitioner.

5. _____ The petitioner has been residing at her parents' house in Maddirala Village, N.G.Padu Mandal, Prakasam District. The distance

between Maddirala Village and Secunderabad is around 400 KM. The petitioner may face some difficulty to travel from Maddirala Village of Prakasam District to Secunderabad to prosecute F.C.O.P.No.1912 of 2014. Invariably, the respondent has to attend the Criminal Courts in Ongole in view of pendency of Crime No.277 of 2014 and D.V.C.No.18 of 2014. Learned counsel for the petitioner submitted that the respondent is a native of Ongole Town. 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 to the wife and children.

6. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay and another**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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 deserves to be allowed.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1912 of 2014 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District at L.B. Nagar and transferred to the file of the Judge, Family Court, Ongole, Prakasam District for disposal in accordance with law. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 27.08.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

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

[\[3\]](#) AIR 2002 SC 396