

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.314 of 2014

ORDER:

This petition is filed under Section 24 CPC to withdraw M.C.O.P. No.15 of 2014 from the file of Family Court, Kadapa and transfer the same to the file of Family Court, City Civil Courts, Secunderabad, for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 06.6.2010 at Kadapa, as per Muslim rites and caste customs. After the marriage, they lived together at Hyderabad for some time. The respondent filed M.C.O.P. No.15 of 2014 on the file of Family Court, Kadapa, against the petitioner for restitution of conjugal rights.

4. The petitioner is working as Assistant Professor in MJM Engineering College, Banjara Hills, Hyderabad. Both parties belong to Kadapa District. The respondent has been residing at Kadapa, due to the disputes between him and the petitioner. Being an employee, it may not be possible for the petitioner to attend Family Court, Kadapa by travelling more than 400 KMs. While deciding the petitions of this nature, the court has to take into consideration inconvenience causes to the parties, more particularly the inconvenience likely to be caused to the wife. If the petition is dismissed, it may cause untold hardship to the petitioner. 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 CMP is allowed. M.C.O.P. No.15 of 2014 is withdrawn from the file of Family Court, Kadapa and transferred to the file of Family Court, City Civil Courts, Secunderabad, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 03.7.2015.
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[\[1\]](#) AIR 2002 SC 396

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