

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.178 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.100 of 2015 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, Hyderabad and transfer the same to the Family Court, Kadapa.

2. Heard both sides and perused the material available on record.
3. The marriage of the petitioner was officiated with the respondent on 30.04.2008 at Infant Jesus Shrine, Kammagudem village, Turakayamjal X Roads, Hayathnagar Mandal, Ranga Reddy District, as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a daughter. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Kadapa registered a case in Crime No.17 of 2015 against the respondent and others for the offences punishable under Sections 498-A and 506 IPC and 3 and 4 of the Dowry Prohibition Act. The respondent is also facing trial in D.V.C.No.19 of 2015 on the file of Judicial First Class Magistrate, Kadapa. The respondent filed F.C.O.P.No.100 of 2015 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar, for dissolution of marriage between him and the petitioner.
4. The petitioner has been residing at her parents house in Kadapa along with her daughter due to misunderstandings between her and the respondent. As per the recitals of F.C.O.P.No.100 of 2015, the petitioner has been residing at Kadapa by the time of filing of the petition. The distance between Kadapa and Hyderabad is around 400 kilometers. The petitioner may face some difficulty to travel 400

kilometers along with her daughter in order to prosecute F.C.O.P.No.100 of 2015. Invariably, the respondent has to attend the Criminal Courts at Kapada in view of pendency of crime No.17 of 2015 and D.V.C.No.19 of 2015. 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 and children.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **V.Sailaja v V.Koteswara Rao**^[3] the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.100 of 2015 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar and transferred to the file of Family Court, Kadapa, 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

14.09.2015.

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^[1] AIR 2002 SC 396

^[2] 2001(7) Supreme 96

[\[3\]](#) AIR 2003 AP 178 : 2003 (1) ALD 673 : 2003 (1) APLJ 441