

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.534 of 2014

ORDER:

This petition is filed under Section 24 CPC to withdraw F.C.O.P. No.932 of 2014 from the file of Family Court, Ranga Reddy District and transfer the same to the file of Family Court, Nellore 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 22.8.2013 at Samrat Function Hall, Gandhinagar, Chintal, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, petitioner joined respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Nellore Women Police Station registered a case in Crime No.60 of 2014 against the respondent and others for the offence punishable under Section 498-A read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act. The petitioner also filed F.C.O.P. No.34 of 2014 on the file of the Family Court, Nellore seeking maintenance from the respondent. The respondent filed F.C.O.P. No.932 of 2014 on the file of Family Court, Ranga Reddy District for restitution of conjugal rights.

4. The petitioner has been residing at her parents' house at Nellore due to misunderstandings between her and respondent. Invariably, the respondent has to visit Nellore in connection with F.C.O.P. No.34 of 2014 and criminal case. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and defend the case at Hyderabad. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel from Nellore to Hyderabad to attend Family Court, Ranga Reddy District.

Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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 case cited supra, I am of the considered view that the relief sought by the petitioner deserves to be granted.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. F.C.O.P. No.932 of 2014 is withdrawn from the file of Family Court, Ranga Reddy District and transferred to the file of Family Court, Nellore for disposal in accordance with law.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: 22.6.2015.
YS

^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96