

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.879 of 2016

ORDER:

This transfer civil miscellaneous petition is filed under Section 24 of CPC seeking to withdraw O.P.No.89 of 2016 from the file of Court of Senior Civil Judge, Amalapuram and transfer the same to the Family Court, Ranga Reddy District.

2. Heard the learned counsel the petitioner and the learned counsel for the respondent.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 08.4.2010 at Pulletikurru Village, Ambajipeta Mandal, East Godavari District, as per Hindu rites and caste customs. 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. For one reason or the other, disputes arose between the petitioner and respondent, therefore, the petitioner has been residing at her parents' house at L.B. Nagar, Hyderabad. Basing on the complaint lodged by the petitioner, the Police registered a case in Crime No.1501 of 2015 against the respondent for the offence under Section 498-A IPC. After completion of investigation, the Investigating Officer laid the charge sheet against the respondent. The learned II Metropolitan Magistrate, L.B. Nagar has taken cognizance of offence and numbered the charge sheet as C.C. No.363 of 2016. The petitioner also filed D.V.C. No.5 of 2016 on the file of the Court of II Metropolitan Magistrate, L.B. Nagar against the respondent and others. The petitioner also filed M.C. No.27 of 2016 on the file of the Principal

Family Court, L.B. Nagar, Ranga Reddy District against the respondent seeking maintenance under Section 125 of Cr.P.C. The respondent filed O.P. No.89 of 2016 against the petitioner on the file of the Court of Senior Civil Judge, Amalapuram, under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights.

4. It is the case of the petitioner that she has to face problem to attend the Court of Senior Civil Judge, Amalapuram, along with her son, to prosecute O.P. No.89 of 2016. Even as per the recitals of O.P. No.89 of 2016, the petitioner is residing in L.B. Nagar, Ranga Reddy District. Invariably, the respondent has to attend the criminal courts at L.B. Nagar in view of pendency of D.V.C. No.5 of 2016, M.C. No.27 of 2016 and C.C. No.363 of 2016.

5. 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. 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.

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 the relief sought by the petitioner can be granted.

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

7. Accordingly, the Transfer CMP is allowed. O.P. No.89 of 2016 is withdrawn from the Court of Senior Civil Judge, Amalapuram and transferred to the file of Family Court, Ranga Reddy District at L.B. Nagar, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 28.3.2017
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