

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**Tr.C.M.P. No.589 of 2016**

**ORDER:**

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.1241 of 2016 from the file of the IV Additional Judge, Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the file of the Family Court at Vijayawada, Krishna District.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 31.10.2015 at Hyderabad, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined with the respondent to lead marital life. The petitioner has been residing at her parents' house at Vijayawada due to misunderstandings between her and the respondent. The father of the petitioner is a retired Government employee. A perusal of the record *prima facie* reveals that there is no source of income to the petitioner to travel from Vijayawada to Hyderabad. It may not be possible for the petitioner to travel from Vijayawada to Hyderabad without assistance of one of the male members of the family. 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.

4. As per the principle enunciated in **T.Gayatri Devi v. Dr. Tallepaneni Sreekanth**<sup>1</sup>, **Rachna Kanodia v. Anuk Kanodia**<sup>2</sup> and **Sumita Singh v. Kumar Sanjay and another**<sup>3</sup>, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

5. 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.

6. At the time of arguments, learned counsel for the respondent submitted that it may not be possible for the respondent to attend the Family Court at Vijayawada on each and every date of adjournment, in view of nature of his employment. Hence, his presence may be dispensed with before the said Court.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.1241 of 2016 is withdrawn from the file of the IV Additional Judge, Family Court, Ranga Reddy District at L.B.Nagar and transferred to the file of the Family Court at Vijayawada, Krishna District, for disposal in accordance with law. The presence of the respondent (husband) in respect of H.M.O.P.No.1241 of 2016 is hereby dispensed with on each and every date of adjournment before the Family Court at Vijayawada. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

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<sup>1</sup> 2013 (6) ALT 42 (SC)

<sup>2</sup> 2001 (7) Supreme 96

<sup>3</sup> AIR 2002 SC 396

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

**T.SUNIL CHOWDARY, J**

Date: 13.02.2017  
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