

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.204 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.53 of 2017 from the file of the Family Court at Khammam and transfer the same to the file of the Family Court, Ranga Reddy District at L.B.Nagar.

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

3. A perusal of the record reveals that the marriage of the petitioner was officiated with the respondent on 30.11.2012 at Khammam, as per Christian Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with two children. For one reason or other, disputes arose between the petitioner and respondent, therefore, the petitioner has been residing in Rajendranagar separately along with her children. While things stood thus, the respondent filed F.C.O.P.No.53 of 2017 on the file of the Family Court at Khammam, under Section 32 of the Indian Divorce Act, against the petitioner for restitution of conjugal rights.

4. At the time of arguments, learned counsel for the respondent submitted that the respondent hails from Khammam District, but working in Bharath Dynamics Limited, Kanchan Bagh, Hyderabad.

5. A perusal of the record reveals that the petitioner has been working in Certification Agency Seeds Testing Laboratory,

Rajendranagar, Ranga Reddy District. It further reveals that both parties are residing in Hyderabad.

6. 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 **T.Gayatri Devi v. Dr. Tallepaneni Sreekanth**¹, **Rachna Kanodia v. Anuk Kanodia**² and **Sumita Singh v. Kumar Sanjay and another**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.53 of 2017 is withdrawn from the file of the Family Court at Khammam and transferred to the file of the Family Court, Ranga Reddy District at L.B.Nagar, for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 18.04.2017

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¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396