

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.139 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., seeking to withdraw F.C.O.P.No.2196 of 2016 on the file of the Judge, Family Court, Ranga Reddy District, at Kukatpally, and transfer the same to the file of Family Court, Guntur, for disposal in accordance with law.

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

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 24.05.2014 at Sai Srinivasa Kalyana Mandapam, Pedakoorapadu Mandal of Guntur District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to one reason or other, disputes arose between the petitioner and respondent, therefore, the petitioner has been residing at her parents house.

4. A perusal of the record reveals that the respondent filed O.P.No.2196 of 2016 on the file of the Family Court, Ranga Reddy District at Kukatpally, against the petitioner under Section 13(1)(ia) of Hindu Marriage Act, for dissolution of marriage between them. A perusal of the record reveals that basing on the complaint lodged by the petitioner, the Station House Officer, Pedakurapadu, registered a case in Crime No.6 of 2017 against the

respondent and other family members for the offence punishable under Section 498-A IPC and 3 and 4 of the Dowry Prohibition Act. It is the case of the petitioner that she is not in a position to travel from Guntur to Hyderabad without the assistance of one of the male members of the family in order to prosecute the O.P.2196 of 2016. Invariably, the respondent has to attend the II Additional Junior Civil Judge Court at Sattenapalli, Guntur District.

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, the wife and the children.

6. As per the principle enunciated in V.Sailaja v V.Koteswara Rao¹, Rachna Kanodia v. Anuk Kanodia², and Sumita Singh v. Kumar Sanjay³, 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 petitioner deserves the relief sought for. Learned counsel for the respondent submitted that the respondent is a private employee, therefore, his presence may be dispensed with on each and every date of adjournment before the Family Court, Guntur. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.2196 of 2016 is withdrawn from the file of the Family Court, Ranga Reddy District at Kukatpally, and transferred to the file of the Family Court, Guntur, for disposal in accordance with law. The presence of the respondent before the Judge, Family Court, Guntur, in connection with O.P.No.2196 of 2016 is dispensed with on each and every date of adjournment. However, he shall appear before the trial Court as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

24th April 2017
Fns

T.SUNIL CHOWDARY, J

