

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.320 of 2016

ORDER:

This petition is filed under Section 24 C.P.C., seeking to withdraw O.P.No.296 of 2016 on the file of the Judge, Family Court, Vijayawada, and transfer the same to the file of Judge, Family Court, Ranga Reddy District at L.B.Nagar, 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 17.06.2009 at Mallapur, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a son. For one reason or other, disputes arose between the petitioner and respondent, therefore, the petitioner has been residing at her parents house in Mallapur of Ranga Reddy District along with her son.

4. At the time of arguments, both counsel submitted that C.C.No.596 of 2013 is pending on the file of the II Additional Chief Metropolitan Magistrate, Vijayawada. As per the recitals in O.P., petitioner is the permanent resident of Mallapur of Ranga Reddy District. It is the case of the petitioner that it is not possible for

her to travel from Hyderabad to Vijayawada along with her son without the assistance of one of the male members of the family.

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

6. As per the principle enunciated in *V.Sailaja v V.Koteswara Rao*¹, *Rachna Kanodia v. Anuk Kanodia*², and *Sumita Singh v. Kumar Sanjay*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 petitioner deserves the relief sought for.

8. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with on each and every date of adjournment in view of his employment.

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.296 of 2016 is withdrawn from the file of the Judge, Family Court, Vijayawada, and transferred to the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, for disposal in accordance with law. The presence of the respondent before the Family Court, Ranga Reddy District, is dispensed with on

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

each and every date of adjournment in view of his employment. 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.

T.SUNIL CHOWDARY, J

28th March 2017
Pns

