

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.791 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.296 of 2016 from the file of the Family Court, City Civil Court, Secunderabad, and transfer the same to the Court of the Principal Senior Civil Judge, Narasaraopeta, Guntur District.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 25.12.2010 at Railway Officer Club, Mettuguda, Secunderabad, as per Hindu 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 sons. Unfortunately, bad weather prevailed in the family life of the petitioner and respondent. Therefore, the petitioner has been residing at her parents' house in Narasaraopeta. While things stood thus, the respondent herein filed F.C.O.P.No.296 of 2016, under Sections 13(1)(ia) and 26 of the Hindu Marriage Act, 1955, on the file of the Family Court, City Civil Court, Secunderabad, against the petitioner for dissolution of marriage between him and the petitioner and custody of elder son. The petitioner herein filed H.M.O.P.No.167 of 2016 on the file of the Court of the Principal Senior Civil Judge, Narasaraopeta, Guntur District, for restitution of conjugal rights.

4. At the time of arguments, learned counsel for both parties submitted that one son is staying with the petitioner and another son is staying with the respondent.

5. Admittedly, one son is staying with the petitioner. The distance between Narasaraopeta and Secunderabad is around 250 K.M. The petitioner may face some difficulty to travel from Narasaraopeta to Secunderabad in order to prosecute F.C.O.P.No.296 of 2016. Invariably, the respondent has to attend the Court of Principal Senior Civil Judge, Narasaraopeta in order to prosecute H.M.O.P.No.167 of 2016. Admittedly, the respondent has been residing at Abu Dhabi. It is the case of the petitioner that she is not having any source of income. The respondent is also not disputing with regard to the financial status of the petitioner. 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.

6. As per the principle enunciated in **T.Gayatri Devi v. Dr. Tallepaneni Sreekanth¹, Rachna Kanodia v. Anuk Kanodia²** and **Sumita Singh v. Kumar Sanjay and another³**, 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

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

considered view that the relief sought by the petitioner deserves to be allowed.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.296 of 2016 is withdrawn from the file of the Family Court, City Civil Court, Secunderabad, and transferred to the Court of the Principal Senior Civil Judge, Narasaraopeta, Guntur District, 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: 20.03.2017
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