

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.648 OF 2017

ORDER:

This petition is filed under Section 24 of C.P.C seeking to withdraw O.P.No.1434 OF 2016 pending on the file of the XV Addl. District Judge-cum-Family Court, Miyapur, Hyderabad, Ranga Reddy District and transfer the same to the Senior Civil Judge, Repalle, Guntur District.

2. Notice sent to the respondent returned with an endorsement unclaimed. Service of notice on the respondent is sufficient in view of the above referred endorsement.

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 07.10.2011 at Repalle as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and respondent were blessed with one boy. For one reason or the other, disputes arose between the petitioner and the respondent, therefore, the petitioner has been residing at her parents house in Repalle. While things stood thus, the petitioner filed M.C.No.43 of 2016 on the file of the Addl. Junior Civil Judge, Repalle against the respondent under Section 125 Cr.P.C. seeking maintenance. The respondent filed O.P.No.1434 of 2016 on the file of the Family Court, RR District at L.B. Nagar against the petitioner under Section 13 (1) (ia) (b) of Hindu Marriage Act for dissolution of marriage between them.

5. Learned counsel for the petitioner submitted that the petitioner is facing much difficulty to attend the Family Court at Hyderabad in order to prosecute O.P.No.1434 of 2016.

6. While deciding the petition of this nature, the Court has to consider the convenience of the parties to the proceedings, more particularly, the wife and children.

7. As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay**¹, **Rachna Kanodia Vs. Anuk Kanodia**², and **V. Sailaja Vs. V. Koteswara Rao**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 as sought for.

8. In the result, the petition is allowed. O.P.No.1434 OF 2016 pending on the file of the XV Addl. District Judge-cum-Family Court, Miyapur, Hyderabad, Ranga Reddy District is withdrawn and transferred the same to the Court of Senior Civil Judge, Repalle, Guntur District, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Dated: 11-09-2018

Hsd

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178