

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.256 OF 2017

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw F.C.O.P.No.2318 of 2016 pending on the file of the Judge, Family Court-cum-XV Additional District Judge at Kukatpally, Miyapur, Ranga Reddy district and transfer the same to the Senior Civil Judge Court at Chirala.

2 Notice sent to the respondent returned with an endorsement 'unclaimed' continuously for a period of seven days. Hence service of notice on the respondent is sufficient. Therefore, this court is inclined to pass orders on merits.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 28.01.2012 at Sopiral village, Chinnaganjam Mandal, Prakasam district as per Hindu rites and caste custom. Immediately after the marriage the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and the respondent were blessed with a daughter. Due to various reasons, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house in Sopiral village. While things stood thus, the respondent filed F.C.O.P.No.2318 of 2016 on the file of the Judge, Family Court-cum-XV Additional District Judge at Kukatpally, Miyapur, Ranga Reddy district under section 13 (1) (ia) of Hindu Marriage Act for dissolution of the marriage between him and the petitioner.

4 It is the case of the petitioner that the distance between Chinnaganjam and Kukatpally is about 300 K.M. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel from Chinnaganjam to Kukatpally without the assistance of one of the male members of the family.

5 A perusal of the record reveals that M.C.No.32 of 2016 is pending against the respondent on the file of the J.F.C.Magistrate, Chirala. Invariably, the respondent has to attend the criminal court at Chirala in view of pendency of M.C.No.32 of 2016. A perusal of the record further reveals that the respondent is native of Sankuratripadu

village, Nadendla Mandal, Guntur District. But the respondent filed the FCOP in Hyderabad.

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.

7 As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay¹**, **Rachna Kanodia Vs. Anuk Kanodia²**, and **V. Sailaja Vs. V. Koteswara Rao³**, 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, F.C.O.P.No.2318 of 2016 pending on the file of the Judge, Family Court-cum-XV Additional District Judge at Kukatpally, Miyapur, Ranga Reddy district is withdrawn from the file of the said Court and is transferred to the Senior Civil Judge's Court, Chirala for disposal in accordance with law.

8 As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

Date: August 08, 2018
Kvsn

T.SUNIL CHOWDARY, J

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178