

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.892 OF 2016

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw F.C.O.P.No.943 of 2016 pending on the file of the Court of the XV Additional District Judge, Miyapur, Ranga Reddy District and transfer the same to the Court of the Principal Senior Civil Judge, Tadepalligudem.

2 Heard learned counsel for both parties.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 10.02.2012 at Kapu Kalyanamantapm, Tadepalligudem, as per Hindu rites and caste custom. Immediately after the marriage the petitioner joined the respondent to lead marital life. Due to one reason or the other, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house in Tadepalligudem. The respondent filed F.C.O.P.No.943 of 2016 on the file of the Court of the XV Additional District Judge, Miyapur, Ranga Reddy District under Section 13 (1) (ia) and (ib) of Hindu Marriage Act for dissolution of the marriage between him and the petitioner.

4 It is the case of the petitioner that she has to face much difficulty to attend the Court at Miyapur to prosecute the F.C.O.P. The petitioner filed M.C.No.53 of 2017 under section 125 Cr.P.C. on the file of the Court of the Judicial Magistrate of I Class, Tadepalligudem seeking maintenance from the respondent. Basing on the complaint lodged by the petitioner, the Station House Officer, Tadepalligudem Police Station registered a case in Cr.No.268 of 2016 against the respondent and others under Sections 498-A, 506 r/w 34

of IPC. At the time of arguments, the learned counsel for the respondent submitted that after investigation in the said crime, the police filed charge sheet before the concerned court against the respondent and others and the same is pending. Invariably, the respondent has to attend the criminal Court at Tadepalligudem in view of the pendency of M.C.No.53 of 2017 and the Criminal Case.

5 While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the wife and children. 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.

6 In the result, the petition is allowed and F.C.O.P.No.943 of 2016 pending on the file of the Court of the XV Additional District Judge, Miyapur, Ranga Reddy District is withdrawn from the file of the said Court and is transferred to the Court of the Principal Senior Civil Judge, Tadepalligudem for disposal in accordance with law.

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

T.SUNIL CHOWDARY, J

Date: July 12, 2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178