

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**TRANSFER C.M.P.No.94 of 2017****ORDER:**

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.770 of 2016 from the file of the I Additional Family Court-cum-IV Additional District Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to Family Court, Karimnagar.

2. Heard the learned counsel appearing for both parties and perused the record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 26.02.2012 at Sri Venkateswara Kalyana Mandapam, Karimnagar, 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 one daughter on 21.04.2014. In the year 2014, disputes arose between the petitioner and the respondent, therefore, the petitioner has been residing at her parents house in Karimnagar. The petitioner filed D.V.C.No.112 of 2015 on the file of the Additional Judicial Magistrate of First Class, Karimnagar, against the respondent seeking various reliefs. At the time of arguments, learned counsel for the respondent submitted that the petitioner filed maintenance case against the respondent and the same is pending on the file of the Family Court, Karimnagar. While things stood thus, the respondent

filed F.C.O.P.No.770 of 2016 on the file of the Family Court–cum–IV Additional District Court, Ranga Reddy District, at L.B.Nagar, against the petitioner under Section 9 of the Hindu Marriage Act. It is the case of the petitioner that she is facing much difficulty to travel from Karimnagar to Hyderabad, along with her daughter, in order to prosecute F.C.O.P.No.770 of 2016. Invariably, the respondent has to attend the Family Court, Karimnagar and the Court of Additional Judicial Magistrate of First Class, in view of maintenance case and D.V.C.112 of 2015 respectively. 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.

4. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao¹, Rachna Kanodia v. Anuk Kanodia², and Sumita Singh v. Kumar Sanjay³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, this Court is of the considered view that the petitioner deserves the relief sought for.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.770 of 2016 is withdrawn from the file of

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

the IV Additional District Court-cum-I Additional Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of Family Court, Karimnagar, for disposal in accordance with law.

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

T.SUNIL CHOWDARY, J

Dt:05.10.2018

Rns

