

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.802 of 2016

ORDER:

This transfer civil miscellaneous petition is filed by the petitioner, under Section 24 of CPC, seeking to withdraw O.P.No.2163 of 2016 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the Family Court, Vijayawada, Krishna District.

2. Heard learned counsel for the petitioner. No representation on behalf of the respondent on 25.9.2018 and today also; hence, 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 12.6.2011, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. 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 Kankipadu. While the things stood thus, the respondent filed O.P. No.2163 of 2016 on the file of the Family Court, Ranga Reddy District at L.B. Nagar, against the petitioner under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, for dissolution of the marriage between them.

4. It is the case of the petitioner that she is facing much difficulty to attend the Family Court, Ranga Reddy District at L.B. Nagar in order to defend O.P. No.2163 of 2016 filed by the respondent. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner, to travel from

Kankipadu to Hyderabad, without the assistance of one of the male members of the family.

5. 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. As per the principle enunciated in **T.Gayatri Devi v Dr.Tallepaneni Sreekanth**¹, **Sumita Singh v. Kumar Sanjay**² and **Rachna Kanodia v. Anuk Kanodia**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

6. 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 relief sought by the petitioner can be granted.

7. Accordingly, the Transfer CMP is allowed. O.P. No.2163 of 2016 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transferred to the file of Family Court, Vijayawada, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 26.9.2018
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¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396

³ 2001 (7) Supreme 96