

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.531 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.1155 of 2016 from the file of IV Additional District Court-cum-Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the file of the Family Court, Anantapur.

2. No representation on behalf of the respondent on 29.11.2018. Today also no representation on behalf of the respondent even though the matter is listed under the caption 'for orders'. Hence, this Court is inclined to pass orders on merits.

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 27.02.2015 at Sri Venkateswara Swamy Temple, Anantapur, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Anantapur. While things stood thus, the respondent filed F.C.O.P.No.1155 of 2016 on the file of IV Additional District Court-cum-Family Court, Ranga Reddy District at L.B.Nagar, against the petitioner under Section 9 of Hindu Marriage Act for restitution of conjugal rights. The petitioner filed F.C.M.C.No.88 of 2017 on the file of the Family Court, Anantapur, against the respondent seeking maintenance.

5. It is the case of the petitioner that she is facing much difficulty to travel from Anantapur to Hyderabad in order to prosecute F.C.O.P.No.1155 of 2016.

6. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel from Anantapur to Hyderabad without the assistance of one of the male members of the family. Invariably, the respondent has to attend the Family Court, Anantapur, in order to prosecute F.C.M.C.No.88 of 2017.

7. 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, **Rachna Kanodia v. Anuk Kanodia**² and **Sumita Singh v. Kumar Sanjay and another**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

8. 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 deserves to be granted.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1155 of 2016 is withdrawn from the file of IV Additional District Court-cum-Family Court, Ranga Reddy District at L.B.Nagar, and transferred to the file of the Family

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

Court, Anantapur, for disposal in accordance with law. There shall be no order as to costs.

10. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 03.12.2018

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