

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.128 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.2055 of 2017 from the file of the Family Court, Ranga Reddy District, and transfer the same to Senior Civil Judge Court, Nalgonda.

2. Heard the learned counsel appearing for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 30.04.2008 at Saroor Nagar, R.R.District, 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 two children. Due to one reason or other, disputes arose between the petitioner and the respondent, therefore, the petitioner has been residing at her parents house at Kurampalli village. While things stood thus, the respondent filed O.P.No.2055 of 2017 on the file of the Family Court, Ranga Reddy District at L.B.Nagar, under Section 13(1-A)(ii) of Hindu Marriage Act, for dissolution of marriage between him and the petitioner. A perusal of the record reveals that the petitioner and her two children filed M.C.No.8 of 2014 on the file of the Court of Judicial Magistrate of First Class, at Nalgonda, against the respondent seeking maintenance under Section 125 Cr.P.C. A perusal of the record reveals that C.C.No.824 of 2013 is also pending against the respondent on the file of the Court of

Special Judicial First Class Magistrate (Prohibition & Excise), Nalgonda.

4. 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 and children. Filing of M.C.No.8 of 2014 indicates the financial status of the petitioner. Invariably, the respondent has to attend the Courts of Judicial First Class Magistrate and Special Judicial First Class Magistrate (P & E), Nalgonda, in view of pendency of M.C.No.8 of 2014 and C.C.No.824 of 2013 respectively.

5. 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.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am inclined to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.2055 of 2017 is withdrawn from the file of Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of Senior Civil Judge Court, at Nalgonda, for disposal in accordance with law.

T.SUNIL CHOWDARY, J

Dt:16.08.2018

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

