

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.780 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.1638 of 2015 from the file of the Family Court, Visakhapatnam, and transfer the same to the file of the Additional Family Court, Ranga Reddy District at L.B.Nagar, to try along with O.P.No.448 of 2016.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the respondent was performed with the petitioner on 14.02.2013 at TNR Fort Suseela Function Hall at L.B.Nagar, Hyderabad, as per Hindu Rites and Caste Customs. Immediately after the marriage, the respondent joined the petitioner to lead marital life. For one reason or other, disputes arose between the petitioner and respondent; therefore, the respondent has been residing at her parents' house in Visakhapatnam. The respondent filed F.C.O.P.No.1638 of 2015, under Section 7(1)(c) of the Family Courts Act, 1984 read with Section 27 of Hindu Marriage Act, on the file of the Family Court, Visakhapatnam, against the petitioner, for recovery of the dowry amount.

4. It is the case of the respondent that if F.C.O.P.No.1638 of 2015 is transferred, she has to face some difficulty to travel from Visakhapatnam to Hyderabad.

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, **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.

6. Viewed from factual or legal aspects, there are no grounds much less valid grounds to allow the transfer petition.

7. Learned counsel for the petitioner submitted that the presence of the petitioner may be dispensed with before the Family Court, Visakhapatnam, on each and every date of adjournment.

8. In the result, the Transfer Civil Miscellaneous Petition is dismissed. The presence of the petitioner in O.P.No.1638 of 2015 on the file of the Family Court, Visakhapatnam, is dispensed with on each and every date of adjournment. However, he shall appear before the Family Court as and when his presence is so required. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 04.10.2018

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¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396