

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.642 of 2016

ORDER:

This transfer civil miscellaneous petition is filed under Section 24 of CPC seeking to withdraw O.P.No.1618 of 2016 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the file of the Family Court, Visakhapatnam.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was officiated with the respondent on 25.5.2015 at Union Chapel Baptist Church, Visakhapatnam, as per Christian rites and customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of the lawful wedlock, they were blessed with a son. While things stood thus, the respondent filed O.P. No.1618 of 2016 on the file of the Family Court, Ranga Reddy District at L.B. Nagar, against the petitioner under Section 10(X) of the Indian Divorce Act, for dissolution of the marriage between them.

4. The record reveals that due to one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house at Visakhapatnam, along with her son. As per the averments made in the O.P., the petitioner herein is resident of Visakhapatnam. It may not be possible for the petitioner to travel from Visakhapatnam to Hyderabad along with her son, without the assistance of one of the male members of the family.

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 to the wife and children. As per the principle enunciated in **T.Gayatri Devi v Dr.Tallepaneni Sreekanth¹, Sumita Singh v. Kumar Sanjay² and Rachna Kanodia v. Anuk Kanodia³**, 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, I am of the considered view that the relief sought by the petitioner can be granted. The learned counsel for the respondent submitted that the presence of the respondent may be dispensed before the Family Court, Visakhapatnam, on each and every date of adjournment.

6. Accordingly, the Transfer CMP is allowed. O.P. No.1618 of 2016 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transferred to the file of the Family Court, Visakhapatnam, for disposal in accordance with law. The presence of the respondent before the Family Court, Visakhapatnam, on each and every date of adjournment, is dispensed with. However, the respondent shall appear before the trial Court as and when his presence is so required. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 19.7.2018
YS

¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396

³ 2001 (7) Supreme 96