

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.208 of 2017

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw F.C.O.P.No.1715 of 2016 pending on the file of the Family Court, Ranga Reddy district at L.B.Nagar and transfer the same to the Family Court, Vijayawada.

2 Heard both sides and perused the material available on record.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 25.08.2013 at Vysya Varthaka Sangham, Cheepurupalli, Vizianagaram District as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For obvious reasons, disputes arose between the petitioner and the respondent. The respondent filed F.C.O.P.No.1715 of 2016 under Section 13 (1) (ia) of Hindu Marriage Act 1955 against the petitioner on the file of the Court of the Judge, Family Court, Ranga Reddy District at L.B. Nagar for dissolution of marriage between him and the petitioner. The petitioner has been residing in Vijayawada at her parents' house.

4 While deciding the petitions of this nature, the Court has to taken into consideration the convenience of the parties, more particularly, the convenience of the wife. It may not be possible for the petitioner to travel from Vijayawada to Hyderabad without the assistance of one of the male members of the family. If the F.C.O.P. is not transferred, it will certainly cause untold hardship

and inconvenience to the petitioner. Even if the F.C.O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

5 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay¹, Rachna Kanodia Vs. Anuk Kanodia²***, and ***V. Sailaja Vs. V. Koteswara Rao³***, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 petitioner deserves the relief as sought for.

6 In the result, the petition is allowed and the F.C.O.P.No.1715 of 2016 pending on the file of the Family Court, Ranga Reddy District at L.B. Nagar is withdrawn from the file of the said Court and the same is transferred to the Family Court, Vijayawada for disposal in accordance with law. However, the presence of the respondent before the Family Court, Vijayawada in the said F.C.O.P. is dispensed with for each and every adjournment. But the respondent shall appear before the said court as and when his presence is so required. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 26.06.2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178