

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**Tr.C.M.P.No.133 of 2018**

**ORDER:**

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.579 of 2017 from the file of Family Court, Vijayawada, Krishna District, and transfer the same to the file of the Family Court, Ranga Reddy District at Miyapur.

2. No representation on behalf of the respondent on 04.12.2018. 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 04.11.2011 at T.T.D. Kalyana Mandapam, Gudivada, 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 a daughter. Due to one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Hyderabad along with her daughter. The petitioner filed O.P.No.2020 of 2017 on the file of the Family Court, Ranga Reddy District at Miyapur, against the respondent for restitution of conjugal rights. While things stood thus, the respondent filed O.P.No.579 of 2017 on the file of the Family Court, Vijayawada, against the petitioner for dissolution of marriage between them.

5. It is the case of the petitioner that she is facing much difficulty to travel from Hyderabad to Vijayawada in order to prosecute O.P.No.579 of 2017. Invariably, the respondent has to attend the Family Court, Ranga Reddy District at Miyapur, in view of pendency of O.P.No.2020 of 2017.

6. 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<sup>1</sup>, Rachna Kanodia v. Anuk Kanodia<sup>2</sup>** and **Sumita Singh v. Kumar Sanjay and another<sup>3</sup>**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.579 of 2017 is withdrawn from the file of Family Court, Vijayawada, Krishna District, and transferred to the file of the Family Court, Ranga Reddy District at Miyapur, for disposal in accordance with law. 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: 05.12.2018  
Ivd

<sup>1</sup> 2013 (6) ALT 42 (SC)

<sup>2</sup> 2001 (7) Supreme 96

<sup>3</sup> AIR 2002 SC 396