

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.160 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.2715 of 2017 from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the file of the Court of the Senior Civil Judge, Tanuku, West Godavari District.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 09.08.2009 at Tirumala Tirupati Devasthanam, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner and respondent resided in different places in view of their employment. Due to one reason or other, disputes arose between the petitioner and respondent. The respondent through his G.P.A. Holder filed F.C.O.P.No.2715 of 2017, under Section 9 of the Hindu Marriage Act, on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, against the petitioner for restitution of conjugal rights.

4. At the time of arguments, learned counsel for both parties submitted that the husband of the petitioner is staying in U.S.A. A perusal of the record reveals that the father-in-law of the petitioner filed the above O.P. as a G.P.A. Holder. It is not in dispute that the G.P.A. Holder is a resident of Tanuku, West Godavari District.

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. 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 allowed.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.2715 of 2017 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, and transferred to the file of the Court of the Senior Civil Judge, Tanuku, West Godavari District, for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 23.08.2018
Ivd

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396