

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.164 OF 2018

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw O.P.No.121 of 2017 pending on the file of the Court of the Senior Civil Judge, Tadepalligudem, West Godavari District and transfer the same to the Additional Family Court-cum-IV Additional District Judge, Ranga Reddy District at L.B.Nagar.

2 In spite of service of notice, the respondent did not choose to appear and contest this petition. Hence this Court is inclined to pass orders on merits.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 27.02.2016 at Tirumala Tirupati Devasthanam, Tirupati as per Hindu rites and caste custom. Immediately after the marriage the petitioner joined the respondent to lead marital life. For one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house at Chaitanyapuri Colony, Hyderabad. The petitioner filed O.P.No.349 of 2018 on the file of the Additional Family Court-cum-IV Additional District Judge, Ranga Reddy District at L.B.Nagar under Sections 13 (1) (1) (ia) of Hindu Marriage Act against the respondent seeking divorce.

4 While things stood thus, the respondent filed O.P.No.121 of 2017 against the petitioner on the file of the Court of the Senior Civil Judge, Tadepalligudem, West Godavari District under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

5 It is the case of the petitioner that she is not in a position to attend the Court at Tadepalligudem, in order to prosecute the O.P.No.121 of 2017. The relief sought for in O.P.No.349 of 2018 is comprehensive one when compared to the relief sought for in O.P.No.121 of 2017. While deciding the petition of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings, more particularly, the wife.

6 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.

7 In the result, the petition is allowed, O.P.No.121 of 2017 pending on the file of the Court of the Senior Civil Judge, Tadepalligudem, West Godavari District is withdrawn from the file of the said court and is transferred to the Additional Family Court-cum-IV Additional District Judge, Ranga Reddy District at L.B.Nagar for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: September 28, 2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178