

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.276 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.17 of 2018 from the file of the Judge, Family Court, City Civil Court, Hyderabad, and transfer the same to Family Court, Rajamahendravaram, East Godavari District.

2. Heard the learned counsel appearing for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 17.08.1996 at Registrar's Office, Kovvur, West Godavari District. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with one son and one daughter. For one reason or other, disputes arose between the petitioner and the respondent, therefore, the petitioner has been residing at her parents house at Rajahmundry, East Godavari District. While things stood thus, the respondent filed O.P.No.17 of 2018 on the file of the Family Court, City Civil Court, Hyderabad, under Special Marriage Act, for dissolution of marriage between the petitioner and the respondent.

4. As rightly pointed out by the learned counsel for the petitioner, the petitioner may face some difficulty to travel from Rajahmundry to Hyderabad, along with her two children. A perusal of the record reveals that the petitioner is a housewife. 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, the wife and children.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**¹, **Rachna Kanodia v. Anuk Kanodia**², and **Sumita Singh v. Kumar Sanjay**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 inclined to allow the petition.

7. At the time of arguments, learned counsel for the respondent submitted that the respondent is a Government employee. He further submitted that it may not be possible for the respondent to obtain leave in order to appear before the Family Court, Rajamahendravaram on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner. Hence, the presence of the respondent/husband is dispensed with in F.C.O.P.No.17 of 2018 before the Family Court, Rajamahendravaram, East Godavari District, on each and every date of adjournment. However, he shall appear before the Family Court, Rajamahendravaram, as and when his presence is so required.

¹ AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

² 2001(7) Supreme 96

³ AIR 2002 SC 396

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.17 of 2018 is withdrawn from the file of Family Court, City Civil Court, Hyderabad, and transferred to the file of Family Court, Rajamahendravaram, East Godavari District, for disposal in accordance with law.

9. In view of the submission made by both the counsel, the learned Judge, Family Court, Rajamahendravaram, East Godavari District, is hereby directed to dispose of F.C.O.P.No.17 of 2018 as expeditiously as possible. As a sequel, miscellaneous petitions, pending if any shall stand closed.

Dt:16.08.2018

Note:

Issue C.C. by 20.08.2018
B/o.Rns

T.SUNIL CHOWDARY, J

