

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.838 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.892 of 2014 from the file of the Family Court, City Civil Court, Hyderabad, and transfer the same to the file of the Family Court, Khammam.

2. Heard the learned counsel for both parties 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 15.02.2013, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or other, bad weather prevailed in the family life of the petitioner and respondent. While things stood thus, the petitioner filed F.C.O.P.No.892 of 2014 on the file of the Family Court, City Civil Court at Hyderabad, under Sections 13(1)(ia) and 25 of the Hindu Marriage Act, 1955, against the respondent for dissolution of marriage between them.

4. At the time of arguments, learned counsel for both parties submitted that the petitioner is residing in U.S.A. The petitioner herself chooses to file the petition before the Family Court, City Civil Court, Hyderabad. Now the petitioner is seeking to transfer of F.C.O.P.No.892 of 2014 on the sole ground that her father is not feeling well.

5. Learned counsel for the petitioner submitted that the father of the petitioner is looking after the matter. He further submitted that the father of the petitioner is not feeling well; therefore, it is a fit case to transfer the matter.

6. The fact remains that the petitioner herself filed F.C.O.P.No.892 of 2014 in Family Court, City Civil Court, Hyderabad. No doubt, the Court has to consider the convenience of the parties to the proceedings. The father of the petitioner is not a party to the above F.C.O.P. Simply because he is not feeling well that itself is not a valid ground to transfer the case from Family Court, City Civil Court, Hyderabad to Family Court, Khammam. The respondent herein filed F.C.O.P.No.1557 of 2013 on the file of the Family Court, City Civil Court, Hyderabad, against the petitioner herein under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The matters are pending from 2013 onwards. The father of the petitioner filed the present transfer petition. After lapse of two years, the petitioner is not entitled to seek transfer of the case from Hyderabad to Khammam on the ground that there is some inconvenience to her father.

7. In view of the guidelines laid down by the Hon'ble Apex Court in **Krishna Veni Nagam v. Harish Nagam**¹, the matrimonial matters cannot be withdrawn on the ground of inconvenience.

8. As rightly pointed out by the learned counsel for the respondent, inconvenience of the father of the petitioner is not a valid ground to transfer the case from one Court to another Court.

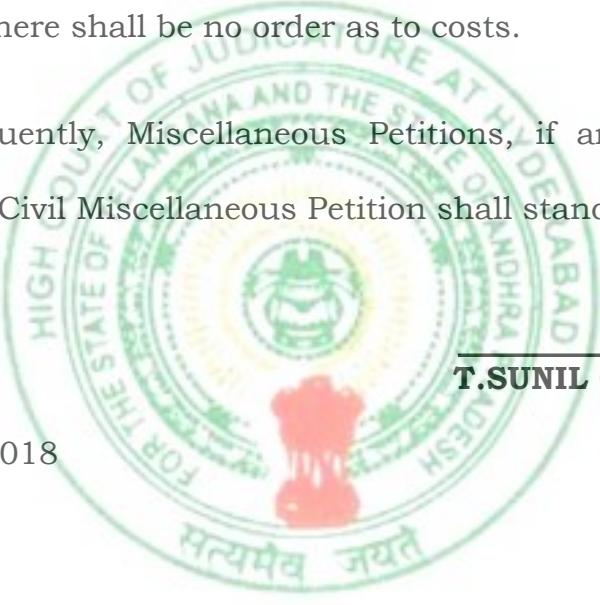
¹ (2017) 4 SCC 150

If F.C.O.P.No.892 of 2014 is transferred from Hyderabad to Khammam, it may cause untold hardship to the respondent.

9. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the considered view that there are no grounds much less valid grounds to withdraw F.C.O.P.No.892 of 2014 from the file of the Family Court, City Civil Court, Hyderabad, and transfer the same to the file of the Family Court, Khammam.

10. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. There shall be no order as to costs.

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



T.SUNIL CHOWDARY, J

Date: 07.06.2018
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