

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.922 of 2016

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.87 of 2016 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to Senior Civil Judge Court, Vikarabad.

2. Heard the learned counsel appearing for both parties and perused the material on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 09.05.2002 at Seetharampet, Tandur, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Both the petitioner and respondent lived together in Hyderabad. Out of their lawful wedlock, the petitioner and respondent were blessed with two daughters. For one reason or the other, disputes arose between the petitioner and the respondent, therefore, the petitioner has been residing at her parents house along with her two daughters in Tandur. The petitioner is working as government teacher. While things stood thus, the respondent filed O.P.No.87 of 2016 on the file of the Family Court, Ranga Reddy District, against the petitioner under Section 13(1)(ia)(ib) of Hindu Marriage Act, for dissolution of marriage between them. It is the case of the petitioner that she is facing much difficulty to travel from Tandur to Hyderabad along with her two daughters in order to prosecute O.P.No.87 of 2016. 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.

4. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao¹**, **Rachna Kanodia v. Anuk Kanodia²**, and **Sumita Singh v. Kumar Sanjay³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, this Court is of the considered view that the petitioner deserves the relief sought for.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.87 of 2016 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of Senior Civil Judge Court, at Vikarabad, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:10.10.2018

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396