

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.173 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.2430 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, Suryapet.

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

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 20.04.2014 in Suryapet, as per Hindu rites and caste customs. 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 in Suryapet. Basing on the complaint lodged by the petitioner, the Station House Officer, Suryapet registered a case in Crime No.514 of 2016 against the respondent and others for the offence punishable under Sections 498-A, 506 IPC and 3 and 4 of Dowry Prohibition Act. The petitioner filed M.C.No.10 of 2017 on the file of the Judicial Magistrate of First Class Court, Suryapet, against the respondent claiming maintenance under Section 125 Cr.P.C. The petitioner also filed D.V.C.No.3 of 2017 on the file of the Judicial Magistrate of First Class Court, Suryapet, against the respondent claiming various reliefs. While things stood thus, the respondent filed O.P.No.2430 of 2016 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar, against the petitioner under Section 9 of Hindu Marriage Act, for restitution of conjugal rights. It is the case of the

petitioner that she is facing much difficulty to travel from Suryapet to Hyderabad, in order to prosecute O.P.No.2430 of 2016. Invariably, the respondent has to attend the Judicial Magistrate of First Class Court, Suryapet, in view of pendency of M.C.No.10 of 2017 and D.V.C.No.3 of 2017. 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.2430 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 Suryapet, for disposal in accordance with law.

7. 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