

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.310 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.446 of 2018 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar and transfer the same to the file of Senior Civil Judge Court, Parchur.

2. Heard the learned counsel appearing for both the 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 28.10.2012 at Adusumalli village, Parchur Mandal, Prakasam District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner and respondent lived together for some time in different places. Out of lawful wedlock, the petitioner and respondent were blessed with one daughter. 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 Adusumalli. A perusal of the record reveals that the petitioner filed D.V.C.No.1 of 2018 on the file of Judicial Magistrate of First Class Court, Parchur against the respondent. While things stood thus, the respondent filed F.C.O.P.No.446 of 2018 on the file of Family Court, Ranga Reddy District, at L.B.Nagar, against the petitioner for dissolution of marriage between them. It is the case of the petitioner that she is facing much difficulty to travel from Parchur to Hyderabad in order to prosecute the F.C.O.P.No.446 of 2018. Invariably, the respondent has

to attend the Judicial Magistrate of First Class Court, Parchur, in view of pendency of D.V.C.No.1 of 2018.

4. 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. 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 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. F.C.O.P.No.446 of 2018 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of Senior Civil Judge Court, Parchur, Prakasam District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:03.12.2018

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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