

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.289 of 2017

ORDER:

This transfer petition is filed under Section 24 of CPC, seeking to withdraw H.M.O.P. No.34 of 2017 from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the file of the V Additional District Court-cum- Family Court, Visakhapatnam.

2. Heard learned counsel for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 01.1.2016 at Visakhapatnam, 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 Visakhapatnam. While the things stood thus, the petitioner filed F.C.O.P. No.8 of 2017 on the file of the Family Court, Visakhapatnam, against the respondent, claiming maintenance. The respondent filed H.M.O.P. No.34 of 2017 on the file of the Family Court, Ranga Reddy District at L.B. Nagar, under Section 13(i-a) of the Hindu Marriage Act, for dissolution of the marriage between him and the petitioner.

4. It is the case of the petitioner that she is facing much difficulty to travel from Visakhapatnam to Hyderabad to defend H.M.O.P. No.34 of 2017 filed by the respondent. As rightly pointed out by the learned counsel for the petitioner, it may not be possible

for the petitioner, to travel from Visakhapatnam to Hyderabad, without the assistance of one of the male members of the family. Invariably, the respondent has to attend the Family Court-cum-V Additional District Court, Visakhapatnam in connection with F.C.O.P. No.8 of 2017.

5. 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 to the wife and children. As per the principle enunciated in **T.Gayatri Devi v Dr.Tallepaneni Sreekanth¹, Sumita Singh v. Kumar Sanjay² and Rachna Kanodia v. Anuk Kanodia³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

7. Accordingly, the Transfer CMP is allowed. H.M.O.P. No.34 of 2017 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transferred to the file of the V Additional District Court-cum- Family Court, Visakhapatnam, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 30.11.2018
YS

¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396

³ 2001 (7) Supreme 96