

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.897 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.74 of 2016 from the file of VII Additional District Court-cum-Family Court, Eluru, West Godavari District, and transfer the same to the file of the Family Court, Cyberabad, Ranga Reddy District at L.B.Nagar, to try along with M.C.No.21 of 2015.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to pass orders on merits.

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 12.05.2001 at Annapurna Kalyana Mandapam, Dilsukhnagar, Ranga Reddy District, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with one son and one daughter. Due to one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house in L.B.Nagar. While things stood thus, the respondent filed O.P.No.74 of 2016, under Section 9 of Hindu Marriage Act, on the file of the VII Additional District Court-cum-Family Court, Eluru, against the petitioner for restitution of conjugal rights. The petitioner filed M.C.No.21 of 2015 on the file of the Family Court,

Cyberabad, Ranga Reddy District at L.B.Nagar, against the respondent seeking maintenance.

5. It is the case of the petitioner that she is facing much difficulty to attend the Family Court at Eluru along with her two children. Invariably, the respondent has to attend the Family Court, Cyberabad, Ranga Reddy District at L.B.Nagar, in view of pendency of M.C.No.21 of 2015.

6. 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, Rachna Kanodia v. Anuk Kanodia²** and **Sumita Singh v. Kumar Sanjay and another³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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 deserves to be granted.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.74 of 2016 is withdrawn from the file of VII Additional District Court-cum-Family Court, Eluru, West Godavari District, and transferred to the file of the Family Court, Cyberabad, Ranga Reddy District at L.B.Nagar, for disposal in accordance with law. There shall be no order as to costs.

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

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

T.SUNIL CHOWDARY, J

Date: 25.09.2018
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