

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.364 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.515 of 2018 from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the file of Judge, Family Court, Khammam, for disposal in accordance with law.

2. Heard both counsels and perused the material available on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 26.03.2016 in Hotel Sitara Grand, L.B.Nagar, 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 daughter. For one reason or other, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house in Khammam along with her daughter. A perusal of the record reveals that the petitioner filed M.C.No.97 of 2017 against the respondent under Section 125 Cr.P.C. seeking maintenance and the same is pending on the file of the Judge, Family Court, Khammam. A perusal of the record further reveals that a D.V.C. is also pending before the Court of I Additional Judicial Magistrate of First Class, Khammam.

4. Learned counsel for the petitioner submitted that the petitioner is facing much difficulty to attend the Family Court, Ranga Reddy District at L.B.Nagar, along with her daughter.

5. A perusal of the record reveals that the petitioner is looking after her daughter. It may not be possible for the petitioner to go to Family Court, Ranga Reddy District, at L.B.Nagar along with her minor daughter without the assistance of one of the male members of the family. Invariably the respondent has to attend to the Courts at Khammam in view of pendency of M.C.No.97 of 2017 and D.V.C.. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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 and the children.

6. 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.

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 it is a fit case to allow the petition.

8. At the time of arguments, learned counsel for the respondent submitted that the respondent may face some

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

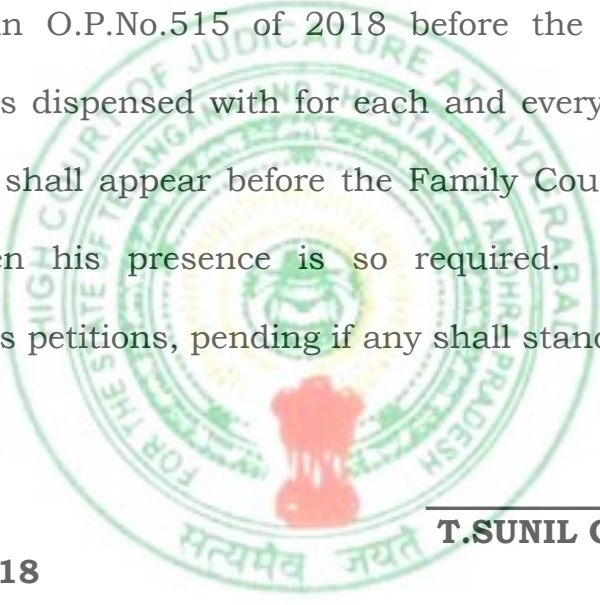
² 2001(7) Supreme 96

³ AIR 2002 SC 396

difficulty for attending the Family Court at Khammam for each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.515 of 2018 is withdrawn from the file of the Judge, Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of the Judge, Family Court, Khammam, for disposal in accordance with law. The presence of the respondent in O.P.No.515 of 2018 before the Family Court, Khammam, is dispensed with for each and every adjournment. However, he shall appear before the Family Court, Khammam, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

10th July 2018
Rns



T.SUNIL CHOWDARY, J