

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.50 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.2151 of 2016 from the file of the Family Court, Ranga Reddy District at Miyapur, and transfer the same to the file of the Court of the III Additional Senior Civil Judge, Kakinada.

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 10.02.2015 at Kakinada, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Kakinada. The petitioner filed M.C.No.22 of 2016 on the file of the Court of the III Additional Judicial First Class Magistrate, Kakinada, against the respondent seeking maintenance. The petitioner also filed D.V.C.No.175 of 2016 on the file of the Court of the III Additional Judicial First Class Magistrate, Kakinada, against the respondent seeking various reliefs. Basing on the complaint lodged by the petitioner, the Station House Officer, I Town Police Station, Kakinada, registered a case in Crime No.144 of 2016 for the offences

punishable under Sections 498-A, 323 and 506(2) read with 34 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act against the respondent and others. While things stood thus, the respondent filed F.C.O.P.No.2151 of 2016, under Section 9 of Hindu Marriage Act, on the file of the Family Court, Ranga Reddy District at Miyapur, against the petitioner for restitution of conjugal rights.

5. It is the case of the petitioner that she is facing much difficulty to travel from Kakinada to Hyderabad in order to prosecute F.C.O.P.No.2151 of 2016. Invariably, the respondent has to attend the Court of III Additional Judicial First Class Magistrate, Kakinada, in view of pendency of M.C.No.22 of 2016 and D.V.C.No.175 of 2016.

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.

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.2151 of 2016 is withdrawn from the file of the Family Court, Ranga Reddy District at Miyapur, and transferred to the file of the Court of the III Additional Senior Civil Judge, Kakinada, for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 08.10.2018
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