

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.521 of 2017

ORDER:

This transfer petition is filed under Section 24 of CPC, seeking to withdraw O.P. No.433 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 Family Court, Vijayawada.

2. No representation on behalf of the respondent on 29.11.2018. Today also, no representation on behalf of the respondent, though the matter is listed under the caption, 'For Orders'; hence, this Court is inclined to pass the order 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 28.5.2015 at Smt.Sarojini Devi Function Hall, Vijayawada, 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 Vijayawada. While the things stood thus, the respondent filed O.P. No.433 of 2017 on the file of the Family Court, Ranga Reddy District at L.B. Nagar, under Section 13(1)(iii) of the Hindu Marriage Act for dissolution of the marriage between him and the respondent.

5. It is the case of the petitioner that she is facing much difficulty to travel from Vijayawada to Hyderabad to defend O.P.

No.433 of 2017 filed by the respondent. Even as per the averments made in O.P.No.433 of 2017, the petitioner herein is resident of Vijayawada. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner, to travel from Vijayawada to Hyderabad, without the assistance of one of the male members of the family. Basing on the complaint lodged by the petitioner, the Station House Officer, Vijayawada City Police Station, registered a case in Crime No.142 of 2017 for the offences punishable under Section 498-A of IPC and Sections 4 and 5 of the Dowry Prohibition Act, against the respondent.

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, 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.

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 can be granted.

8. Accordingly, the Transfer CMP is allowed. O.P. No.433 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 Family

¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396

³ 2001 (7) Supreme 96

Court, Vijayawada, 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

