

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.444 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.707 of 2018 from the file of the Principal Family Court at Vijayawada and transfer the same to the file of the Family Court, Ranga Reddy District at L.B.Nagar.

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 03.03.2018 at V.Convention, 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 Saroornagar, Hyderabad. As per the averments made in F.C.O.P.No.707 of 2018, the petitioner is a resident of Saroornagar, Hyderabad. While things stood thus, the respondent filed F.C.O.P.No.707 of 2018, under Section 9 of Hindu Marriage Act, on the file of the Principal Family Court at Vijayawada against the petitioner for restitution of conjugal rights. A perusal of the record further reveals that the petitioner filed M.C.No.222 of 2018 on the file of the IV Additional District Court-cum-Additional Family Court, Ranga Reddy District at L.B.Nagar, against the

respondent claiming maintenance. The petitioner also filed D.V.C.No.87 of 2018 on the file of the Court of XI Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, against the respondent claiming various reliefs.

5. It is the case of the petitioner that she is facing much difficulty to travel from Hyderabad to Vijayawada in order to prosecute F.C.O.P.No.707 of 2018. Invariably, the respondent has to attend the Family Court and Criminal Court at L.B.Nagar, in view of pendency of M.C.No.222 of 2018 and D.V.C.No.87 of 2018.

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 Sreekanth**¹, **Rachna Kanodia v. Anuk Kanodia**² and **Sumita Singh v. Kumar Sanjay and another**³, 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. F.C.O.P.No.707 of 2018 is withdrawn from the file of the Principal Family Court at Vijayawada and transferred to the file of the IV Additional District Court-cum-Additional Family Court,

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

Ranga Reddy District at L.B.Nagar, 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: 01.10.2018

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