

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.455 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.996 of 2018 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to Family Court, Chittoor.

2. Heard the learned counsel appearing for both parties and perused the record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 13.04.2014 at SVSS Kalyana Mandapam, Tirupathi Road, Piler, Chittoor 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 on 17.11.2015. The petitioner has been residing at her parents house along with her son due to misunderstandings between the petitioner and respondent. While things stood thus, the respondent filed O.P.No.996 of 2018 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar, against the petitioner under Section 13(1)(1a) of Hindu Marriage Act, for dissolution of marriage. At the time of arguments, both counsel submitted that the respondent is a native of Chittoor district. It is the case of the petitioner that she is facing much difficulty to travel from Piler to Hyderabad, in order to prosecute O.P.No.996 of 2018. 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.

4. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**¹, **Rachna Kanodia v. Anuk Kanodia**², and **Sumita Singh v. Kumar Sanjay**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, this Court is of the considered view that the petitioner deserves the relief sought for.

6. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with before the Family Court, Chittoor, on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.996 of 2018 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transferred to the file of Family Court, Chittoor, for disposal in accordance with law.

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

8. The presence of the respondent before the Family Court, Chittoor, in connection with O.P.No.996 of 2018 is dispensed with on each and every date of adjournment. However, the respondent shall appear before the Family Court, Chittoor, as and when his presence is so required.

9. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:04.10.2018
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