

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.916 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.1973 of 2016 from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the file of the Court of the Senior Civil Judge, Nandigama, Krishna District or to the Family Court, Vijayawada.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 30.06.2010 at Sri Kanakadurgamma Temple, Nadigama, Krishna 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 two children. The petitioner has been residing at her parents' house in Nandigama along with her two children due to misunderstandings between her and the respondent. The petitioner filed M.C.No.31 of 2016 on the file of the Court of the Additional Judicial First Class Magistrate, Nandigama, against the respondent under Section 125 Cr.P.C. seeking maintenance. The respondent filed O.P.No.1973 of 2016, under Section 9 of Hindu Marriage Act, on the file of the Family Court, Ranga Reddy District at L.B.Nagar, against the petitioner for restitution of conjugal rights.

4. It is the case of the petitioner that she is facing much difficulty to travel from Nandigama to Hyderabad in order to prosecute F.C.O.P.No.1973 of 2016. Invariably, the respondent has to attend

the Court of Additional Judicial First Class Magistrate, Nandigama, in view of pendency of M.C.No.31 of 2016.

5. 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.

6. 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.

7. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with before the Family Court, Visakhapatnam, on each and every date of adjournment.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1973 of 2016 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B.Nagar, and transferred to the file of the Court of the Senior Civil Judge, Nandigama, Krishna District, for disposal in accordance with law. The presence of the respondent in connection with F.C.O.P.No.1973 of 2016 on the file of the Court of the Senior Civil Judge, Nandigama, is dispensed with on each and every date of adjournment. However, he shall appear before

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

the trial Court as and when his presence is so required. 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: 04.10.2018
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