

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.539 OF 2018

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw F.C.O.P.No.1050 of 2018 pending on the file of the Family Court, Ranga Reddy District at L.B. Nagar and transfer the same to the Family Court, Rajamahendravaram, East Godavari District.

2 Heard the learned counsel 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 06.06.2010 at Rajamahendravaram as per Hindu rites and caste custom. 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 at Rajamahendravaram.

4 While things stood thus, the respondent filed F.C.O.P.No.1050 of 2018 against the petitioner on the file of the Family Court, Ranga Reddy District under Section 13 (1A) (ii) & 13 (1) (ia) of the Hindu Marriage Act against the petitioner for dissolution of marriage.

5 It is the case of the petitioner that she is not in a position to attend the Court at L.B.Nagar, in order to prosecute the O.P, without the assistance of one of the male members of the family. While deciding the petition of this nature, the Court has to take into consideration the inconvenience of the parties to the proceedings, more particularly, the wife.

6 As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay**¹, **Rachna Kanodia Vs. Anuk Kanodia**², and **V. Sailaja Vs. V. Koteswara Rao**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 petitioner deserves the relief as sought for.

7 At the time of arguments, the learned counsel for the respondent submitted that the presence of the respondent before the Family Court, Rajamahendravaram on each and every date of adjournment may be dispensed with. Even if the presence of the respondent is dispensed with on each and every date of adjournment, no prejudice will be caused to the petitioner.

8 In the result, the petition is allowed, F.C.O.P.No.1050 of 2018 pending on the file of the Family Court, Ranga Reddy District at L.B. Nagar is withdrawn from the file of the said court and is transferred to the Family Court, Rajamahendravaram for disposal in accordance with law. The presence of the respondent before the Family Court, Rajamahendravaram is dispensed with on each and every date of adjournment in connection with the F.C.O.P.No.1050 of 2018. However, the respondent shall attend the Family Court, Rajamahendravaram as and when his presence is so required. As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: September 27, 2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178