

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**Tr.C.M.P.No.743 of 2016**

**ORDER:**

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.726 of 2016 from the file of the Family Court, Vijayawada, and transfer the same to the file of the Family Court, Ranga Reddy District at L.B.Nagar.

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 18.12.2011 at Vanasthalipuram, Hyderabad, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to misunderstandings, the petitioner has been residing at her parents' house in Hyderabad. While things stood thus, the respondent filed O.P.No.726 of 2016, under Section 13(1)(ia)(ib) of Hindu Marriage Act, on the file of the Family Court, Vijayawada, against the petitioner for dissolution of marriage between them. The petitioner filed H.M.O.P.No.2338 of 2017, under Section 9 of Hindu Marriage Act, on the file of the Family Court, Ranga Reddy District at L.B.Nagar, against the respondent. The respondent is facing trial in C.C.No.260 of 2016 on the file of the Court of XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar.

4. It is the case of the petitioner that she is facing much difficulty to travel from Hyderabad to Vijayawada in order to prosecute O.P.No.726 of 2016. Invariably, the respondent has to attend the Family Court, Ranga Reddy District at L.B.Nagar and the Court of XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar, in view of pendency of H.M.O.P.No.2338 of 2017 and C.C.No.260 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 Sreekanth<sup>1</sup>, Rachna Kanodia v. Anuk Kanodia<sup>2</sup>** and **Sumita Singh v. Kumar Sanjay and another<sup>3</sup>**, 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, Ranga Reddy District at L.B.Nagar, on each and every date of adjournment.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.726 of 2016 is withdrawn from the file of the Family Court, Vijayawada, and transferred to the file of the Family Court, Ranga Reddy District at L.B.Nagar, for disposal in accordance with law. The presence of the respondent in connection with O.P.No.726 of 2016 on the file of the Family Court, Ranga Reddy District at L.B.Nagar, is dispensed with on each and every date of adjournment. However, he shall appear before the Family Court as and when his presence is so required. There shall be no order as to costs.

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<sup>1</sup> 2013 (6) ALT 42 (SC)

<sup>2</sup> 2001 (7) Supreme 96

<sup>3</sup> AIR 2002 SC 396

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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