

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.888 of 2016

ORDER:

This transfer civil miscellaneous petition is filed by the petitioner, under Section 24 of CPC, seeking to withdraw F.C.O.P.No.1996 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 Senior Civil Judge, Peddapalli.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 07.3.2015 at Khila Vanaparthi Village of Dharmaram Mandal, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house at Khila Vanaparthi. While the things stood thus, the petitioner filed D.V.C. No.11 of 2016 under Section 12 of the Domestic Violence Act against the respondent and others and it is pending on the file of the Court of Judicial Magistrate of First Class, Peddapalli. The petitioner also filed a private complaint under Section 156 Cr.P.C., against the respondent and others, on the file of the Court of Judicial Magistrate of First Class, Peddapalli, for the offences under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act. On the other hand, the respondent filed F.C.O.P. No.1996 of 2016 on the file of the Family Court, Ranga Reddy District at L.B. Nagar, against the petitioner under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights.

4. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner, to travel from Peddapalli to Hyderabad, without the assistance of one of the male members of the family. Invariably the respondent has to attend the Court of Judicial Magistrate of First Class, Peddapalli in view of pendency of DVC No.11 of 2016 and the private complaint.

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, Sumita Singh v. Kumar Sanjay² and Rachna Kanodia v. Anuk Kanodia³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

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 can be granted.

7. Accordingly, the Transfer CMP is allowed. F.C.O.P. No.1996 of 2016 is withdrawn from the file of the Family Court, Ranga Reddy District at L.B. Nagar and transferred to the Court of Senior Civil Judge, Peddapalli, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 24.9.2018
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¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396

³ 2001 (7) Supreme 96