

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.701 OF 2017

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw O.P.No.598 of 2017 pending on the file of the Court of the II Additional Family Court, Ranga Reddy District at Kukatpally/Miyapur and transfer the same to the Court of the III Additional Senior Civil Judge, Kakinada.

2 Heard learned counsel for both parties.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 27.02.2016 at Tirumala Hills as per Hindu rites and caste custom. Immediately after the marriage the petitioner joined the respondent to lead marital life. Due to various reasons, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house in Kakinada. The respondent filed O.P.No.598 of 2017 on the file of the Court of the II Additional Family Court, Ranga Reddy District at Kukatpally/Miyapur under Section 13 (1) (a) of Hindu Marriage Act for dissolution of the marriage between him and the petitioner.

4 It is the case of the petitioner that she has to face much difficulty to attend the Family Court at Kukatpally to prosecute the F.C.O.P. The respondent is an accused in C.C.No.527 of 2017 on the file of the Court of the V Additional Judicial Magistrate of I Class, Kakinada. The petitioner filed M.C.No.35 of 2017 under Section 125 Cr.P.C. seeking maintenance from the respondent.

5 While deciding the petitions of this nature, the court has to consider the convenience of the parties to the proceedings, more particularly, the wife. Invariably, the respondent has to attend the criminal Court at Kakinada in view of the pendency of M.C.No.35 of 2017 and C.C.No.527 of 2017 on the file of the Court of the V Additional Judicial Magistrate of I Class, Kakinada.

6 As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay¹**, **Rachna Kanodia Vs. Anuk Kanodia²**, and **V. Sailaja Vs. V. Koteswara Rao³**, 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 In the result, the petition is allowed, O.P.No.598 of 2017 pending on the file of the Court of the II Additional Family Court, Ranga Reddy District at Kukatpally/Miyapur is withdrawn from the file of the said court and is transferred to the Court of the III Additional Senior Civil Judge, Kakinada for disposal in accordance with law.

8 As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: July 12, 2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178