

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.782 of 2017

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw F.C.O.P.No.124 of 2017 pending on the file of the Family Court, Kadapa and transfer the same to the Court of the Senior Civil Judge, Allagadda, Kurnool District.

2 In spite of service of notice, the respondent did not choose to appear and oppose the petition.

3 Heard the learned counsel for the petitioner and perused the material available on record.

4 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 22.04.2016 at Ammavarisala temple, Allagadda Town, Kurnool district as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For obvious reasons, disputes arose between the petitioner and the respondent. While the things stood thus, the respondent filed F.C.O.P.No.124 of 2017 on the file of the Family Court Kadapa under Section 13 (1) (ia) of Hindu Marriage Act for dissolution of the marriage between them.

5 It is the case of the petitioner that she has to face much difficulty to attend the Family Court at Kadapa to prosecute the F.C.O.P. A perusal of the record reveals that basing on the complaint lodged by the petitioner, the Station House Officer, Allagadda Police Station registered a case in Cr.No.111 of 2017 under Sections 323, 324, 506, 509 and 498-A r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act against the respondent and his family

members. At the time of arguments, Sri A. Sarat Chandra, counsel representing Sri D. Nagendra Reddy - the learned counsel for the petitioner submitted that as on today the FCOP No.124 of 2017 is pending on the file of the Family Court, Kadapa. In such circumstances, it is difficult for the petitioner to travel from Allagadda to Kadapa. On the other hand, Invariably, the respondent has to attend the criminal Court at Allagadda.

6 While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the wife and children. 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, F.C.O.P.No.124 of 2017 pending on the file of the Family Court, Kadapa is withdrawn from the file of that Court and transferred to the Court of the Senior Civil Judge, Allagadda, Kurnool District for disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 04.07.2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178