

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Tr.C.M.P. No.339 of 2015

Between:

Smt. Yarninti Nagamani

.. Petitioner

and

Sri Yerininti Ravi Kumar

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wishes to Yes/No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.339 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.420 of 2015 from the file of the Family Court, Visakhapatnam and transfer the same to the file of the Family Court, Vizianagaram for disposal in accordance with law.

2. Heard the learned counsel for the petitioner.

3. In spite of service of notice, the respondent did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of

the respondent.

4. The marriage of the petitioner was performed with the respondent on 17.05.2011 at Sri Swami Vivekananda Kalyanamandapam, Visakhapatnam as per Hindu Rites and Caste Custom. The respondent filed F.C.O.P.No.420 of 2015 for restitution of conjugal rights. The petitioner has been residing at her parents' house at Vizianagaram due to misunderstandings between her and the respondent. The distance between Vizianagaram and Visakhapatnam is around 60 KM. The petitioner may face some difficulty to attend the Family Court at Visakhapatnam. 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.

5. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and Sumita Singh v. Kumar Sanjay and another, 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 allowed.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.420 of 2015 is withdrawn from the file of the Family Court, Visakhapatnam and transferred to the file of the Family Court, Vizianagaram for disposal in accordance with law. The presence of the respondent (husband) in respect of F.C.O.P.No.420 of 2015 is hereby dispensed with on each and every date of adjournment before the Family Court, Vizianagaram. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 31.07.2015

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