

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.338 of 2015

Between:

Pinninti (Palle) Aruna

.. Petitioner

and

Pinninti Ganesh

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wishes to see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.338 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.66 of 2015 from the file of the Principal Senior Civil Judge, Machilipatnam, Krishna District and transfer the same to any Family Court or Senior Civil Judge Court at Srikakulam, Srikakulam District for disposal in accordance with law.

2. _____ Heard the learned counsel for both the parties and perused the material available on record.

3. _____ The marriage of the petitioner was performed with the respondent on 04.12.2011 at Sri Kanyakaparameswari Kalyanamandapam at Machilipatnam as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a son on 09.03.2013. The petitioner filed M.C.No.14 of 2015 on the file of the Judicial First Class Magistrate, Srikakulam seeking maintenance from the respondent. The respondent filed H.M.O.P.NO.66 of 2015 on the file of the Principal Senior Civil Judge, Machilipatnam, Krishna District for restitution of conjugal rights.

4. _____ The petitioner has been residing at her parents' house in Srikakulam along with her son due to misunderstandings between her and the respondent. The distance between Machilipatnam and Srikakulam is around 450 KM. The petitioner may face some difficulty to attend the Court at Machilipatnam in order to prosecute H.M.O.P.No.66 of 2015. Invariably, the respondent has to attend the Judicial First Class Magistrate Court, Srikakulam in view of pendency

of M.C.No.14 of 2015. Even if the petition is allowed, the same may not cause prejudice to the respondent. 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^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **Sumita Singh v. Kumar Sanjay and another**^[3], 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. As rightly pointed out by the learned counsel for the respondent, the respondent may face some difficulty to attend the Family Court at Srikakulam on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.66 of 2015 is withdrawn from the file of the Principal Senior Civil Judge, Machilipatnam, Krishna District and transferred to the file of the Family Court at Srikakulam, Srikakulam District for disposal in accordance with law. The presence of the respondent (husband) in respect of H.M.O.P.No.66 of 2015 is hereby dispensed with on each and every date of adjournment before the Family Court, Srikakulam. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this

Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

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Date: 14.08.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

[\[2\]](#) 2001 (7) Supreme 96

[\[3\]](#) AIR 2002 SC 396