

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

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Transfer C.M.P.No.19 of 2015

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Between:

Talluri Lakshmi Durga

.. Petitioner

And

Pittu Srinivasa Rao

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 20.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.19 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw

O.P.No.1595 of 2014 from the file of the Additional Family Court, City Civil Court, Hyderabad, and transfer the same to the Principal District Judge Court, Guntur, Guntur District.

2. In spite of paper publication, 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. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 12.03.2012 at Hyderabad as per Hindu rites and caste customs. The petitioner and respondent have obtained marriage certificate on the same day from the District Registrar, Hyderabad. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Ponnur Rural, registered a case in Crime No.207 of 2014 under Sections 498-A and 506 IPC against the respondent and others. The respondent filed O.P.No.1595 of 2014 on the file of the Additional Family Court, City Civil Court, Hyderabad, for restitution of conjugal rights. The petitioner herein filed DOP No.1110 of 2015 on the file of the Principal District Court, at Guntur for dissolution of marriage.

4. The petitioner has been residing at her parents house in Guntur due to misunderstandings between her and the respondent. The distance between Ponnur and Hyderabad is around 300 kilometers. The petitioner may face some difficulty to attend the Family Court at Hyderabad. Invariably, the respondent has to attend the Criminal Court at Ponnur and District Court at Guntur in view of pendency of Crime No.207 of 2014 and divorce O.P. 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, the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.1595 of 2014 is withdrawn from the file of the Additional Family Court, City Civil Court, Hyderabad, and transferred to the Court of the Principal District Judge, Guntur, Guntur District. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

20.08.2015.

Rns

^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] 2001(7) Supreme 96

^[3] AIR 2002 SC 396