

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.814 of 2014

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.119 of 2014 from the file of the Judge, Family Court, Khammam and transfer the same to the file of the Judge, Family Court, Vijayawada to be tried along with M.C.No.323 of 2014 in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner is not in a position to attend the Family Court at Khammam due to financial problem.

3. Learned counsel for the respondent submitted that there is a life threat to the respondent at Vijayawada; therefore, the case may be transferred to any other Court in the State of Andhra Pradesh.

4. I have perused the material available on record in order to appreciate the rival contentions of both the parties. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 11.05.2013 at Parinaya Functional Hall, Vijayawada as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Basing on the complaint of the petitioner, the Station House Officer, Women Police Station, Vijayawada registered a case in Crime No.90 of 2014 under Section 498-A I.P.C. against the respondent. The petitioner filed M.C.No.323 of 2014 on the file of the Judge, Family Court, Vijayawada seeking maintenance from the respondent. The respondent filed H.M.O.P.No.119 of 2014 on the file of the Judge, Family Court, Khammam for dissolution of marriage between him and the petitioner. The petitioner and the respondent lived together for a period of two months after marriage. It is not uncommon to make allegations and counter allegations in matrimonial cases. The allegation of the respondent that there is a life threat to him if he goes to Vijayawada is not supported by any material much less cogent and convincing material. Invariably, the respondent has to attend the Family Court and the criminal Court at Vijayawada. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, it may not cause inconvenience to the respondent in view of civil and criminal cases pending against him in different Courts at Vijayawada. While disposing of this type of petitions, the

Court has to take into consideration the inconvenience likely to be caused to the wife.

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. H.M.O.P.No.119 of 2014 is withdrawn from the file of the Judge, Family Court, Khammam and transferred to the file of the Judge, Family Court, Vijayawada to be tried along with M.C.No.323 of 2014 in accordance with law. 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: 15.06.2015

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