

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

* * * *

Tr.C.M.P. No.359 of 2015

Between:

Alamanda Rajya Lakshmi

.. Petitioner

and

Alamanda Srinivasa Rao

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

-
-

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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

-
-
-
-
-
-

-
-

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.359 of 2015

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.86 of 2014 from the file of the Judge, Family Court (VII Additional District Court), West Godavari, Eluru and transfer the same to the file of the Judge, Family Court at Vizianagaram, Vizianagaram 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 03.04.2010 at Vijayawada as per Hindu Rites and Caste Custom. 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, Women Police Station, Vizianagaram registered a case in Crime No.2 of 2015 against the respondent for the offences punishable under Sections 498-A and 506 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The respondent filed H.M.O.P.No.86 of 2014 on the file of the Judge, Family Court (VII Additional District Court), West Godavari, Eluru for restitution of conjugal rights.

4. The petitioner has been residing at her parents' house in Vizianagaram due to misunderstandings between her and the respondent. The distance between Eluru and Vizianagaram is around 300 KM. The petitioner may face some difficulty to travel from Vizianagaram to Eluru to prosecute H.M.O.P.No.86 of 2014. Invariably, the respondent has to attend the criminal Court at Vizianagaram in view of pendency of Crime No.2 of 2015. 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 much difficulty to attend the Family Court at Vizianagaram 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.86 of 2014 is withdrawn from the file of the Judge, Family Court (VII Additional District Court), West Godavari, Eluru and transferred to the file of the Judge, Family Court at Vizianagaram, Vizianagaram District for disposal in accordance with law. The presence of the respondent (husband) in connection with H.M.O.P.No.86 of 2014 is hereby dispensed with on each and every date of adjournment before the Judge, 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.

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

T.SUNIL CHOWDARY, J

Date: 14.08.2015

lvd

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

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

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