

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.196 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.8 of 2015 from the file of the Additional Senior Civil Judge, Ongole and transfer the same to the file of the Senior Civil Judge, Bapatla to be tried along with H.M.O.P.No.49 of 2014 in accordance with law.

2. The facts leading to filing of the present petition, in brief, are as follows:

The marriage of the petitioner was performed with the respondent on 29.05.2013 at Karavadi Village, Ongole Mandal, Prakasam District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. The petitioner has been residing at her parents' house due to disputes between her and the respondent. The petitioner filed H.M.O.P.No.49 of 2014 on the file of the Senior Civil Judge, Bapatla against the respondent for restitution of conjugal rights. The respondent filed H.M.O.P.No.8 of 2015 on the file of the Additional Senior Civil Judge, Ongole for dissolution of marriage between him and the petitioner. Hence, the petition.

3. Heard the learned counsel for the petitioner.

4. The respondent having received the notice did not choose to appear before this Court. It seems that the respondent is not interested to prosecute the case. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

5. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 29.05.2013 at Karavadi Village, Ongole Mandal, Prakasam District as per Hindu Rites and Caste Custom. The respondent worked as Lecturer at Vetapalem of Prakasam District. Unfortunately, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house. After the marriage, the respondent got School Assistant job in A.P.Model School, Markapur. Legal notices were exchanged between the parties before filing of the matrimonial cases. The petitioner has no source of income to attend the Court at Ongole. If the petition is dismissed, it may cause untold hardship to the petitioner when compared to the respondent.

6. Learned counsel for the petitioner submitted that after filing of the counter in H.M.O.P.No.49 of 2014, the respondent filed H.M.O.P.No.8 of 2015 with an intention to harass the petitioner. The Court is not supposed to express any opinion touching the merits of the main case while disposing of the transfer petitions in matrimonial cases.

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

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and Sumita Singh v. Kumar Sanjay, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

8. 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 transfer H.M.O.P.No.8 of 2015 from the file of the Additional Senior Civil Judge, Ongole to the file of the Senior Civil Judge, Bapatla.

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.8 of 2015 is withdrawn from the file of the Additional Senior Civil Judge, Ongole and transferred to the file of the Senior Civil Judge, Bapatla to be tried and disposed of along with H.M.O.P.No.49 of 2014 in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 09.06.2015

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