

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.213 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.345 of 2015 from the file of the Additional Family Court, Visakhapatnam, and transfer the same to any competent Court at Machilipatnam, Krishna 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 24.05.1995 at T.T.D. Kalyana Mandapam, Tirumala as per Hindu Rites and Caste Custom. Out of lawful wedlock, the petitioner and the respondent were blessed with one son and daughter. The respondent filed F.C.O.P.No.345 of 2015 on the file of the Additional Family Court, Visakhapatnam for restitution of conjugal rights. Learned counsel for the petitioner submitted that the petitioner filed F.C.O.P.No.71 of 2015 on the file of the Principal Senior Civil Judge, Machilipatnam for restitution of conjugal rights. The petitioner has been residing at her parents' house at Penumalli Village, Mudinepalli Mandal, Krishna District along with her daughter due to family disputes. The distance between Visakhapatnam and Mudinepalli is 450 KM. It may not be possible for the petitioner to travel 450 KM while looking after the day-to-day affairs of her daughter. The respondent has to defend F.C.O.P.No.71 of 2015 which is pending on the file of the Principal Senior Civil Judge, Machilipatnam. 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.

4. _____ 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.

5. 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.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.345 of 2015 is withdrawn from the file of the Additional Family Court, Visakhapatnam and transferred to the file of the Principal Senior Civil Judge, Machilipatnam for disposal in accordance with law. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 19.06.2015

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^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396