

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.354 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.37 of 2015 from the file of the Senior Civil Judge Court, Bhimavaram, West Godavari District, and transfer the same to any other Senior Civil Judge Court at Kakinada, East Godavari District, having jurisdiction to try divorce petition, for disposal in accordance with law.

2. In spite of service of notice, 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.

3. The marriage of the petitioner was performed with the respondent on 09.11.2011 at Kakinada as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed H.M.O.P.No.37 of 2015 on the file of the Senior Civil Judge, Bhimavaram, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at Kakinada at her parents house due to misunderstandings between her and the respondent. The distance between Kakinada and Bhimavaram is around 100 kilometers. The petitioner may face some difficulty to travel from Kakinada to Bhimavaram, without the support of one of the male members of the family to prosecute H.M.O.P.No.37 of 2015. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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 inclined to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.37 of 2015 is withdrawn from the file of the Senior Civil Judge Court, Bhimavaram, West Godavari District, and transferred to the file of the Principal Senior Civil Judge Court, Kakinada, East Godavari District, for disposal in accordance with law. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner. Hence, the presence of the respondent/husband is dispensed with in H.M.O.P.No.37 of 2015 before the Principal Senior Civil Judge Court, Kakinada, on each and every date of adjournment. However, he shall appear before the Principal Senior Civil Judge Court, Kakinada, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

03.08.2015.

Rns

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

^[2] 2001(7) Supreme 96

^[3] AIR 2002 SC 396