

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P. No.463 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.142 of 2015 from the file of the Judge, Family Court at Nellore and transfer the same to the file of the Judge, Family Court at Ongole.

2. _____ Heard the learned counsel for the petitioner and perused the material available on record.

3. _____ In spite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to dispose of the matter on merits in the absence of the respondent.

4. _____ The marriage of the petitioner was performed with the respondent on 15.04.2012 at Khambham Village of Prakasam District, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed F.C.O.P.No.142 of 2015 on the file of the Judge, Family Court, Nellore for dissolution of marriage between him and the petitioner.

5. _____ The petitioner has been residing at her parents' house in Prakasam District due to misunderstandings between her and the respondent. Even as per the averments made in F.C.O.P.No.142 of 2015, the petitioner hails from Ongole of Prakasam District. The petitioner may face some difficulty to travel from Ongole to Nellore in order to prosecute F.C.O.P.No.142 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.

6. _____ 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.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.142 of 2015 is withdrawn from the file of the Judge, Family Court at Nellore and transferred to the file of the Judge, Family Court at Ongole for disposal in accordance with law. 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: 29.10.2015
lvd

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

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396