

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.205 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.60 of 2010 from the file of the Family Court, Nalgonda, and transfer the same to the file of the Family Court, Vijayawada, to dispose of the same in accordance with law.

2. The facts leading to filing of the present petition are briefly as follows:

The marriage of the petitioner was performed with the respondent on 06.05.2009 at T.T.D.Kalyana Mandapam, Vijayawada, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined with the respondent to lead happy marital life. Unfortunately disputes arose between the parties to the proceedings within one year after their marriage. The petitioner filed M.C.No.226 of 2010, seeking maintenance from the respondent, on the file of the Family Court, Vijayawada. The petitioner also filed D.V.C.No.216 of 2012 and the same is pending on the file of the I Additional Chief Metropolitan Magistrate, Vijayawada. The petitioner herein filed O.P.No.87 of 2011 against the respondent for dissolution of marriage between them and withdrew the same. The respondent herein filed O.P.No.60 of 2010 on the file of Family Court, Nalgonda against the petitioner for dissolution of marriage. The Family Court, Nalgonda granted *ex parte* decree in favour of the respondent herein. The petitioner filed petition to set aside *ex parte* order passed in O.P.No.60 of 2010 and the same was allowed. The petitioner filed H.M.O.P.No.495 of 2014 against the respondent under Section 9 of Hindu Marriage Act on the file of Family Court, Vijayawada. Hence, the petition.

3. Learned counsel for the petitioner submitted that three cases are pending between the parties at Vijayawada, i.e., M.C., DVC and HMOP. He further submitted that the petitioner would face much difficulty to attend the Family Court at Nalgonda. Learned counsel for the respondent submitted that there are

no grounds much less valid grounds to allow the petition.

4. It is an admitted fact that bad weather prevailed in the family life of the petitioner and respondent within a period of one year from the date of marriage. The respondent hails from Nalgonda district, whereas, the petitioner hails from Krishna district. Due to disputes, the petitioner has been residing at her parents house at Vijayawada since 2010. M.C.No.226 of 2010 and H.M.O.P.No.495 of 2014 are pending between the parties on the file of Family Court, Vijayawada. At the time of arguments, learned counsel for the petitioner submitted that the petitioner lodged a complaint to the Station House Officer, Machavaram, who registered a case in Crime No.426 of 2010 against the respondent and others for the offence punishable under Section 498-A IPC and 3 and 4 of the Dowry Prohibition Act and the investigation is in progress. The fact remains that the respondent has to prosecute three cases at Vijayawada. The distance between Vijayawada and Nalgonda is nearly 225 kilometres. It may not be possible for the petitioner to travel from Vijayawada to Nalgonda without the assistance of some male person. If the petition is not transferred to Vijayawada, it may cause untold hardship and inconvenience to the petitioner when compared to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, 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.

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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P.No.60 of 2010 is withdrawn from the file of the Family Court, Nalgonda, and transferred to the file of the Family Court, Vijayawada, for disposal in accordance with law. Miscellaneous petitions pending if any, in this transfer civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 08.06.2015.

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