

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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Transfer C.M.P.No.624 of 2014

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Between:

Addanki Naga Yamini

.. Petitioner

And

Addanki Narayana

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters/Journals Yes/No
3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.624 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.120 of 2014 from the file of the I Additional Senior Civil Judge, Guntur, at Tenali, and transfer the same to the Senior Civil

Judge Court, Rajahmundry, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to pass orders on merits in the absence of the respondent. Heard the learned counsel for the petitioner.

3. The marriage of the petitioner was performed with the respondent on 24.02.2012 at Tummapudi village in Duggirala Mandal, Guntur District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Bommuru Police Station, registered a case under Section 73 of 2013 under Sections 498-A, 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act. The petitioner filed M.C.No.11 of 2013 on the file of the IV Additional Junior Civil Judge Court, Rajahmundry, seeking maintenance from the respondent. The respondent filed H.M.O.P.No.120 of 2014 on the file of the Senior Civil Judge Court, Tenali.

4. The petitioner has been residing at her parents house at Bommuru of East Godavari District due to misunderstandings between her and the respondent. The distance between Rajahmundry and Tenali may be around 250 kilometers. The petitioner may face some difficulty to attend the Court at Tenali in order to prosecute H.M.O.P.No.120 of 2014. Invariably, the respondent has to attend the Criminal Courts at Tenali in view of pendency of Crime No.73 of 2013 and M.C.No.11 of 2013. 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 of the considered view that it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.120 of 2014 is withdrawn from the file of the 1st Additional Senior Civil Judge, Tenali, Guntur District, and transferred to the Court of Principal Senior Civil Judge, Rajahmundry, East Godavari District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

14.08.2015.

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

^[2] 2001(7) Supreme 96

^[3] AIR 2002 SC 396