

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.127 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.136 of 2014 from the file of the Senior Civil Judge, Kandukuru, and transfer the same to the file of the Judge, Family Court, at Guntur, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 18.04.2009 at Macherla Town of Guntur District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a son, by name Hemanth. The respondent filed H.M.O.P.No.136 of 2014 on the file of the Senior Civil Judge, Kandukuru, Prakasam District for restitution of conjugal rights.

4. For one reason or other, the petitioner has been residing at her parents house at Macherla, along with her five years old son. The distance between Macherla and Kandukuru is around 200 kilometers. It may not be possible for the petitioner to travel 200 kilometers along with her minor son without the assistance of any male members of her family. It is not the case of the respondent that the petitioner is having sufficient means to travel from Macherla to Kandukuru. 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 case cited supra, I am of the considered view that the petitioner is entitled for the relief sought for.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.136 of 2014 is withdrawn from the file of the Senior Civil Judge, Kandukuru, and transferred to the file of the Judge, Family Court, at Guntur, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:01.07.2015.

Rns

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

^[2] 2001(7) Supreme 96

^[3] AIR 2002 SC 396