

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.78 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw F.C.O.P. No.23 of 2014 from the file of Family Court, Guntur and transfer the same to the file of Senior Civil Judge, Nandigama, Krishna District for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 13.8.1992 at Anasagaram Village, Nandigama Mandal, Krishna District as per Hindu rites and caste customs. Immediately after the marriage, petitioner joined the respondent to lead marital life. The respondent filed the F.C.O.P. for dissolution of the marriage between him and the petitioner.

4. Due to obvious reasons, disputes arose between the petitioner and respondent. The petitioner filed M.C. No.3 of 2011 on the file of Additional Judicial First Class Magistrate, Nandigama. Learned counsel for the petitioner submitted that the M.C. was allowed granting maintenance to the petitioner. A perusal of the record reveals that the respondent faced the trial in C.C. No.472 of 2008 on the file of IV Additional Junior Civil Judge, Guntur. Learned counsel for the petitioner submitted that the criminal case registered against the respondent ended in acquittal.

5. The distance between Guntur and Nandigama is about 150 KMs. It is not the case of the respondent that the petitioner is having sufficient means to defend the F.C.O.P. on the file of Family Court, Guntur. As rightly pointed out by learned counsel for the petitioner, it may not be possible for the petitioner to travel 150 KMs without the help of one of the male members of the family. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While deciding this type of petitions, the court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

6. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, the paramount

consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 relief sought by the petitioner can be granted.

7. Accordingly, the Transfer Miscellaneous Petition is allowed. F.C.O.P. No.23 of 2014 is withdrawn from the file of Family Court, Guntur and transferred to the file of Senior Civil Judge, Nandigama, Krishna District for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 19.6.2015.

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