

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.304 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.331 of 2015 from the file of the Additional Family Court, Visakhapatnam and transfer the same to any Family Court, Kakinada, East Godavari District.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

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

4. The marriage of the petitioner was performed with the respondent on 04.06.2014 at Visakhapatnam, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P. No.331 of 2015 on the file of the Additional Family Court, Visakhapatnam for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house at Kakinada due to misunderstandings between her and the respondent.

The petitioner has been working as Assistant Professor in Engineering College for Women at Kakinada. The respondent is working as Associate Professor in JNTU at Vizianagaram. It may not be possible for the petitioner to travel from Kakinada to Visakhapatnam to prosecute O.P.No.331 of 2015. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be

caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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.

6. As rightly pointed out by the learned counsel for the respondent it may not be possible for the respondent to attend the Principal Senior Civil Judge Court at Kakinada in O.P.No.331 of 2015 on each and every date of adjournment in view of his nature of employment. Even if the presence of the respondent is dispensed with no prejudice would be caused to the petitioner.

7. For these reasons, O.P.No.331 of 2015 is withdrawn from the file of the Additional Family Court, Visakhapatnam and transferred to the Principal Senior Civil Judge Court, Kakinada, East Godavari District. The Principal Senior Civil Judge, Kakinada is hereby directed to dispense with the presence of respondent/husband for each and every date of adjournment. However, the respondent shall appear as and when the Court feels that his presence is so required.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 21.07.2015.

Gv/

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

[\[2\]](#) AIR 2002 SC 396

[\[3\]](#) 2001 (7) Supreme 96