

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.93 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.1560 of 2014 from the file of the District Family Court, Visakhapatnam and transfer the same to the Senior Civil Judge, Bhimavaram for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that it may not be possible for the petitioner to prosecute the matter at Visakhapatnam due to financial problem. Learned counsel for the respondent submitted that there is a life threat to the respondent, therefore, the petition is liable to be dismissed.

3. A perusal of the record reveals that the marriage of the petitioner with the respondent was performed on 08.08.2012 at Bhimavaram as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent at Visakhapatnam to lead happy marital life. The respondent filed O.P.No.1560 of 2014 on the file of the Family Court, Visakhapatnam for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house at Bhimavaram of West Godavari District from 28.12.2013. The distance between Bhimavaram and Visakhapatnam is around 250 KMs. It may not be possible for the petitioner to travel all the way from Bhimavaram to Visakhapatnam without assistance of one of the male members of the family. The contention of the respondent that there is a life threat to him, if he visits Bhimavaram, is not supported by any material. It is not uncommon to make allegations and counter allegations against each other more particularly in matrimonial cases. The Court is not supposed to express any opinion with regard to allegations and counter allegations made by the parties. 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. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.1560 of 2014 is withdrawn from the file of the District Family Court, Visakhapatnam and transferred to Senior Civil Judge, Bhimavaram, West Godavari District for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

-

T.SUNIL CHOWDARY, J.

Date: 17.06.2015.

GvI

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

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96