

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.797 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.S.No.657 of 2014 from the file of the I Additional Junior Civil Judge, Vijayawada, Krishna District and transfer the same to the Family Court, Ongole for disposal in accordance with law.

2. Heard both counsel.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 21.12.2008 at Vijayawada, as per Muslim rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a daughter. The petitioner filed DVC No.40 of 2014 on the file of II Additional Metropolitan Magistrate, Ongole. Basing on the complaint lodged by the petitioner, the Station House Officer, Ongole, Prakasam District registered a case in Crime No.245 of 2011 against the respondent and others for the offences punishable under Section 498-A r/w 34 of IPC. The respondent filed O.S. No.657 of 2014 on the file of the I Additional Junior Civil Judge, Vijayawada, Krishna District for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house at Ongole due to misunderstandings between her and the respondent. The distance between Ongole and Vijayawada is nearly 200 KMs. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself, her daughter and to travel from Ongole to Vijayawada. Invariably the respondent has to attend I Additional Metropolitan Magistrate, Ongole in view of pendency of DVC No.40 of 2014 and Crime No.245 of 2011. 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.S.No.657 of 2014 is withdrawn from the file of the I Additional Junior Civil Judge, Vijayawada, Krishna District and transferred to the Principal Junior Civil Judge Court, Ongole 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: 02.07.2015.

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[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
[\[2\]](#) AIR 2002 SC 396
[\[3\]](#) 2001 (7) Supreme 96