

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.91 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw H.M.O.P.No.33 of 2014 from the file of the Senior Civil Judge, Markapur, Prakasam District and transfer the same to the Principal Senior Civil Judge, Nandyal, Kurnool District for disposal in accordance with law.

2. Heard learned counsel for the petitioner.

3. In spite of service of notice respondent did not choose to contest the matter.

4. A perusal of the record reveals that the marriage of the petitioner with the respondent was performed on 04.06.1994 at Rowthupalli Village as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. The petitioner filed MC No.20 of 2010 on the file of the Special Magistrate Court, Nandyal seeking maintenance from the respondent. The respondent filed H.M.O.P.No.33 of 2014 on the file of the Senior Civil Judge, Markapur for dissolution of marriage between him and the petitioner.

5. There is no dispute between the parties with regard to the relationship. The respondent has to attend the Court at Nandyal in view of pendency of M.C.No.20 of 2010. 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 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**^[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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.33 of 2014 is withdrawn from the file of the Senior Civil Judge, Markapur, Prakasam District and transferred to Principal Senior Civil Judge, Nandyal, Kurnool District for trial and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.

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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