

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.C.M.P.No.417 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.227 of 2015 from the file of the Family Court, Secunderabad and transfer the same to the Senior Civil Judge Court, Gurajala, Guntur District for disposal in accordance with law.

2. In spite of service of notice 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 11.03.2012 at Macherla, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C. No.31 of 2012 on the file of the Junior Civil Judge Court, Macherla against the respondent seeking maintenance. The respondent herein filed Tr.Crl.M.P.No. 329 of 2014 on the file of this Court for transfer of M.C.No.31 of 2012 from the file of Junior Civil Judge Court, Macherla to Family Court, Ranga Reddy District. The respondent filed O.P.No.227 of 2015 on the file of the Family Court, Secunderabad for dissolution of marriage between him and the petitioner.

5. The petitioner has been residing at her parents' house in Macherla since 2013 due to misunderstandings between her and the respondent. The distance between Macherla and Secunderabad is around 250 KMs. It may not be possible for the petitioner to travel all the way from Macherla to Secunderabad in order to defend O.P.No.227 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.

6. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 cases 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. O.P.No.227 of 2015 is withdrawn from the file of the Family Court, Secunderabad and transferred to the Senior Civil Judge Court, Gurajala, Guntur district for trial and disposal in accordance with law. No costs.

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

T.SUNIL CHOWDARY, J.

Date: 24.08.2015.

Gv/

^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96