

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Tr.C.M.P. No.822 of 2014

Between:

Smt. Chiriki (Jalli) Sri Ramani

.. Petitioner

and

Sri Chiriki Venkata Nagendra Kumara Giri

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether his Lordship wishes to Yes/No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.822 of 2014

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.436 of 2014 from the file of the Judge, Family Court-cum-V Additional District Judge, Visakhapatnam and transfer the same to the file of the District Judge, West Godavari District, Eluru for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the affidavit filed in support of the petition, and the counter filed by the respondent.

3. The marriage of the petitioner was officiated with the respondent on 27.07.2006 at Manna Church, Bheemavaram as per Christian Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with two children. Basing on the complaint lodged by the petitioner, the Station House Officer, Nidadavole Police Station registered a case in Crime No.159 of 2014 against the respondent and others for the offences punishable under Sections 498-A and 506 read with 34 I.P.C. The petitioner filed O.P. (S.R.) No.12912 of 2014, which was subsequently numbered as O.P.No.47 of 2014, on the file of the District Judge, West Godavari District at Eluru for restitution of conjugal rights. Due to obvious reasons, the petitioner has been residing at her parents' house at Nidadavole along with her two children. The distance between Nidadavole and Visakhapatnam is around 200 K M. The petitioner may face some difficulty to attend the Family Court at Visakhapatnam. Invariably, the respondent has to attend the District Court at Eluru in view of pendency of criminal case against him. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings more particularly to the wife and children.

4. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and Sumita Singh v. Kumar Sanjay and another, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

5. 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 deserves to be allowed.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.436 of 2014 is withdrawn from the file of the Judge, Family Court-cum-V Additional District Judge, Visakhapatnam and transferred to the file of the District Judge, West Godavari District, Eluru for disposal in accordance with law. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 31.07.2015

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