

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.521 of 2015

ORDER:

This petition is filed under Section 24 of CPC seeking to withdraw H.M.O.P.No.53 of 2015 from the file of the Senior Civil Judge Court, Chirala and transfer the same to the file of Senior Civil Judge Court, Mangalagiri.

2. In spite of service of notice, respondent did not choose to appear and oppose the transfer petition. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 03.6.1994 at Guntur as per Hindu 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 two children. The petitioner filed M.C. No.57 of 2014 on the file of the Judicial Magistrate of First Class, Mangalagiri seeking maintenance from the respondent. The respondent is also facing trial in D.V.C. No.6 of 2015 on the file of Judicial Magistrate of First Class, Mangalagiri. Basing on the complaint lodged by the petitioner, the Station House Officer, Tullur Police Station registered a case in Crime No.107 of 2014 against the respondent and others for the offences under Section 498A IPC and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed H.M.O.P. No.53 of 2015 on the file of Senior Civil Judge Court, Chirala for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Mandadam village, due to the disputes between her and the respondent. The petitioner may face some difficulty to travel from Mandadam to Chirala to prosecute H.M.O.P. No.53 of 2015. Invariably, the respondent has to attend Judicial Magistrate of First Class Court, Mangalagiri in view of pendency of D.V.C. No.6 of 2015, M.C. No.57 of 2014 and Crime No.107 of 2014 of Tullur Police Station.

5. While deciding the petitions of this nature, the court has to take into consideration the inconvenience likely to be caused to the wife and children. As per the principle enunciated in **Sumita Singh v Kumar Sanjay** and **Rachna Kanodia v Anuk Kanodia**, 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 petitioner deserves the relief as sought for.

6. In the result, the petition is allowed. H.M.O.P.No.53 of 2015 is withdrawn from the file of the Senior Civil Judge Court, Chirala and transferred to the file of the Senior Civil Judge Court, Mangalagiri for trial and disposal in accordance with law. Miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 08.10.2015

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