

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.241 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.210 of 2015 from the file of Family Court, City Civil Courts, Secunderabad and transfer the same to the file of Family Court, Kadapa, 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 on behalf of the respondent.

3. The marriage of the petitioner was performed with the respondent on 25.5.2012 at Badvel Town in Kadapa District, as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P. No.210 of 2015 on the file of Family Court, City Civil Courts, Secunderabad for dissolution of the marriage between him and the petitioner.

4. For one reason or the other, the petitioner has been residing at her parents' house at Kadapa. As per the averments in O.P. No.210 of 2015, the petitioner is resident of Kadapa District. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself. It may not be possible for the petitioner to travel 400 KMs i.e., from Kadapa to Secunderabad to defend the O.P. While deciding the petitions of this nature, the court has to take into consideration the inconvenience likely to be caused to the wife. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. 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.

6. Accordingly, the Transfer CMP is allowed. O.P. No.210 of 2015 is withdrawn from the file of Family Court, City Civil Courts, Secunderabad and transferred to the file of Family Court, Kadapa, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 07.7.2015.

YS

[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96