

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.100 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.M.O.P.No.02 of 2015 from the file of the Judge, Family Court, Khammam and transfer the same to the file of the Senior Civil Judge, Mancherial, Adilabad District for disposal in accordance with law.

2. _____ Heard the learned counsel for the petitioner.

3. _____ In spite of service of notice to the respondent by way of paper publication, he 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.

4. _____ The marriage of the petitioner was performed with the respondent on 28.05.2011 at Venkateswara Swamy Temple, Dwaraka Thirumala, West Godavari District, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent is facing trial in D.V.C.No.18 of 2014 on the file of II Additional Judicial First Class Magistrate at Mancherial. The respondent filed F.M.O.P.No.02 of 2015 on the file of the Judge, Family Court, Khammam for dissolution of marriage between him and the petitioner.

5. _____ The petitioner has been residing at her parents' house in Mancherial due to misunderstandings between her and the respondent. The distance between Mancherial and Khammam is around 400 KM. The petitioner may face some difficulty to travel from Mancherial to Khammam without the assistance of one of the male members of the family. 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.

6. As per the principle enunciated in T.Gayatri Devi v.

Dr. Tallepaneni Sreekanth^[1], Rachna Kanodia v. Anuk
Kanodia^[2] and Sumita Singh v. Kumar Sanjay and another^[3],
the paramount consideration, in transfer of matrimonial cases, is the
convenience of the wife.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.M.O.P.No.02 of 2015 is withdrawn from the file of the Judge, Family Court, Khammam and transferred to the file of the Senior Civil Judge, Mancherial, Adilabad District for disposal in accordance with law. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 27.08.2015

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^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396