

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.268 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw D.O.P.No.8 of 2015 pending on the file of the Court of the Senior Civil Judge, Rayachoty of Kadapa District and transfer the same to the Court of the Senior Civil Judge, Tanuku of West Godavari District.

2 Heard both sides and perused the material available on record.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 02.12.2011 in Sri Narasimha Swamyvari temple, Antharvedi of East 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 C.C.No.103 of 2015 on the file of the Court of the II Additional J.F.C.Magistrate, Tanuku, which was taken on file for the offence punishable under Sections 498-A, 406 and 420 of IPC. The respondent filed D.O.P.No.8 of 2015 on the file of the Court of the Senior Civil Judge, Rayachoty of Kadapa District for dissolution of marriage between him and the petitioner.

4 The contention of the respondent that there is threat for his life if he goes to Tanuku is not supported by any material much less cogent and convincing material. It

is not uncommon to take this type of pleas in order to gain the sympathy of the Court. Invariably, the respondent has to attend the Magistrate Court at Tanuku to face trial in C.C.No.103 of 2015. The petitioner has been residing at Tanuku at her parents' house due to disputes between her and the respondent, whereas the respondent has been residing at Rayachoti. Hence it may not be possible for the petitioner to travel all the way from Tanuku to Rayachoti for each and every adjournment.

5 While deciding the petitions of this nature, the Court has to take into consideration the convenience of the parties to the proceedings, more particularly, the convenience of the wife. If the D.O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the D.O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

6 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[3], 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.

7 In the result, the petition is allowed and D.O.P.No.8 of 2015 pending on the file of the Court of the Senior Civil Judge, Rayachoty of Kadapa District is withdrawn from the file of the said Court and the same is transferred to the Court of Senior Civil Judge, Tanuku for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 20.07.2015
Kvsn

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

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

[\[3\]](#) AIR 2003 AP 178