

**HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

TRANSFER CIVIL MISCELLANEOUS PETITION No.193 of 2015

**ORDER:**

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.15 of 2015 from the file of the Senior Civil Judge Court, Mangalagiri, Guntur District and transfer the same to the Senior Civil Judge Court, Bhimavaram.

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

3. The marriage of the petitioner was performed with the respondent on 07.12.2013 at Mogaltur, West Godavari District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed H.M.O.P. No.15 of 2015 on the file of the Senior Civil Judge Court, Mangalagiri, Guntur District for dissolution of marriage between him and the petitioner.\_

4. Due to misunderstandings, the petitioner has been residing at her parents' house at Undi, West Godavari District. It is an admitted fact that the petitioner hails from West Godavari District, whereas, the respondent belongs to Guntur District. At the time of argument, the learned counsel for the respondent submitted that at present the respondent is staying at Kenya and executed a Power of Attorney in favour of his father to prosecute HMOP No.15 of 2015. The distance between Bhimavaram and Mangalagiri is around 250 KMs. It may not be possible for the petitioner to travel 250 KMs without the assistance of one of the male member of the family. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

While disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to

be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**<sup>[1]</sup>, **Sumita Singh v. Kumar Sanjay**<sup>[2]</sup> and **Rachna Kanodia v. Anuk Kanodia**<sup>[3]</sup>, 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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.15 of 2015 is withdrawn from the file of the Senior Civil Judge Court, Mangalagiri, Guntur District and transferred to the Senior Civil Judge Court, Bhimavaram for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

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**T.SUNIL CHOWDARY, J.**

**Date: 17.07.2015.**

Gv/

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<sup>[1]</sup> AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

<sup>[2]</sup> AIR 2002 SC 396

<sup>[3]</sup> 2001 (7) Supreme 96