

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.798 of 2014

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.53 of 2013 from the file of the Senior Civil Judge, Miryalaguda, Nalgonda District and transfer the same to any competent Court in Guntur for disposal in accordance with law.

2. Heard the learned counsel for the petitioner.

3. In spite of service of notice, the respondent did not choose to appear before this Court to contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 10.06.2011 at Choudeshwari Kalyana Mandapam, Thakkellapadu Village of Kakani Mandal, Guntur District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of the lawful wedlock, the petitioner and the respondent were blessed with one daughter, aged about two years. Legal notices were exchanged between the parties before approaching of the concerned Courts for redressal. Due to disputes, the petitioner has been residing at her parents' house at Guntur along with her two years old daughter. The respondent filed H.M.O.P.No.53 of 2013 on the file of the Senior Civil Judge, Miryalaguda against the respondent under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage between him and the petitioner. The petitioner filed H.M.O.P.No.26 of 2014 on the file of the Senior Civil Judge, Guntur under Section 9 of the Hindu Marriage Act. While deciding this type of petitions, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the wife. It may not be possible for the petitioner to travel from Guntur to Miryalaguda without support of some male person. Invariably, the respondent has to prosecute H.M.O.P.No.26 of 2014 which is pending on the file of the Senior Civil Judge, Guntur. If the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and Sumita

Singh v. Kumar Sanjay and another, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.53 of 2013 is withdrawn from the file of the Senior Civil Judge, Miryalaguda, Nalgonda District and transferred to the file of the Judge, Family Court, Guntur for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 15.06.2015

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