

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Tr.C.M.P. No.228 of 2015

Between:

Sunkara Lakshmi Devi

.. Petitioner

and

Sunkara Muni Shekar

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wishes to see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.228 of 2015

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.12 of 2015 from the file of the Judge, Family Court, Anantapur and transfer the same to the file of the Senior Civil Judge, Rayachoty, Y.S.R. Kadapa District for disposal in accordance with law.

2. Heard the learned counsel for both the parties.

3. The marriage of the petitioner was performed with the respondent on 27.05.1999 at Sri Venkateswara Swami Temple, Tirumala Tirupathi Devasthanams, Thirumala as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with two children. The petitioner filed M.C.No.6 of 2015 on the file of the Additional Judicial First Class Magistrate, Rayachoty seeking maintenance from the respondent. The petitioner also filed D.V.C.No.3 of 2015 on the file of the Additional Judicial First Class Magistrate, Rayachoty against the respondent. The respondent filed F.C.O.P.No.12 of 2015 on the file of the Judge, Family Court, Anantapur for dissolution of marriage between him and the petitioner. The petitioner has been residing along with her two children at Rayachoty due to misunderstandings between her and the respondent. The respondent has been working as Computer Operator in BC Welfare office, Ananthapuram Town, Ananthapur District on outsourcing basis. The fact remains that the petitioner belongs to Rayachoty of Kadapa District. It may not be possible for the petitioner to travel from Rayachoty to Anantapur along with her two children in order to prosecute F.C.O.P.No.12 of 2015.

Invariably, the respondent has to attend the criminal Courts at Rayachoty in view of pendency of M.C.No.6 of 2015 and D.V.C.No.3 of 2015. Even if the petition is allowed, the same may not cause any prejudice to the rights of the respondent. 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.

4. 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.

5. 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.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.12 of 2015 is withdrawn from the file of the Judge, Family Court, Anantapur and transferred to the file of the Senior Civil Judge, Rayachoty, Y.S.R. Kadapa District for disposal in accordance with law. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 22.07.2015

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

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

[\[3\]](#) AIR 2002 SC 396