

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P. No.452 of 2015

ORDER:

This transfer civil miscellaneous petition is filed under Section 24 of CPC seeking to withdraw O.P.No.73 of 2015 from the file of Principal Senior Civil Judge Court, Kovvur, West Godavari District and transfer the same to the file of Senior Civil Judge Court, Tenali, Guntur District.

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

3. The marriage of the petitioner was performed with the respondent on 19.2.2000 at Tenali as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a daughter and son. The respondent is facing trial in D.V.C. No.46 of 2014 on the file of the Court of II Additional Judicial Magistrate of First Class, Tenali. The respondent filed O.P. No.73 of 2015 on the file of the Principal Senior Civil Judge Court, Kovvur for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing in Tenali at her parents' house along with her children, due to misunderstandings between her and the respondent. The distance between Tenali and Kovvur is around 200 KMs. The petitioner may face difficulty to travel from Tenali to

Kovvur in order to prosecute O.P. No.73 of 2015. Invariably, the respondent has to attend the Court of II Additional Judicial Magistrate of First Class, Tenali in view of pendency of D.V.C. No.46 of 2014. Even if the petition is allowed, no prejudice will be caused to 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.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 relief sought by the petitioner can be granted.

6. Accordingly, the Transfer CMP is allowed. O.P. No.73 of 2015 is withdrawn from the file of the Principal Senior Civil Judge Court, Kovvur, West Godavari District and transferred to the file of Additional Senior Civil Judge Court, Tenali, Guntur District, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 27.10.2015

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

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