

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.444 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.88 of 2014 from the Court of Additional Senior Civil Judge, Anantapur and transfer the same to the Court of Senior Civil Judge, Madanapalle, Chittoor District, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 27.11.2010 at Angallu village of Kurabalakota Mandal in Chittoor District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed O.P. No.88 of 2014 on the file of Additional Senior Civil Judge Court, Anantapur for restitution of conjugal rights.

4. The petitioner has been residing at her parents' house at Madhyahnamvaripalle, hamlet of Sangasamudram, Gurramkonda Mandal in Chittoor District, due to the disputes between her and the respondent. The distance between Madanapalle and Anantapur is around 200 KMs. The petitioner may face some difficulty to travel from Madanapalle to Anantapur to defend O.P. No.88 of 2014 without assistance of one of the male members 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 deciding the petitions of this nature, the court has to take into consideration the inconvenience likely to be caused to parties to the proceedings more particularly to the wife.

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 O.P. No.88 of 2014 is withdrawn from the Court of Additional Senior Civil Judge, Anantapur and transferred to the Court of Senior Civil Judge, Madanapalle, Chittoor District for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 28.8.2015.

YS

^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96