

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.653 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.59 of 2014 from the file of the Senior Civil Judge Court, Chittoor, and transfer the same to the file of Family Court, Nellore, for disposal in accordance with law.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that the petitioner being a lady is not in a position to attend the Senior Civil Judge Court at Chittoor. Learned counsel for the respondent submitted that there is a life threat to the respondent if he goes to Nellore.

4. I have perused the material available on record for better appreciation of rival contentions. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 20.02.2013 at Sai Nirmala Kalyana Mandapam, Tirupathi, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Due to obvious reasons, bad weather prevailed in the family life of petitioner and respondent within a period of one year from the date of marriage. Basing on the complaint of the petitioner, the Station House Officer, Women Police Station, Nellore, registered a case in Crime No.64 of 2014 against the respondent under Section 498-A read with 34 IPC and 3 and 4 of the Dowry Prohibition Act.

5. As per the allegations made in the affidavit, the respondent subjected the petitioner to cruelty. Learned counsel for the respondent submitted that there is a life threat to the respondent if he goes to Nellore. It is not uncommon to make allegations and counter allegations in matrimonial cases in order to gain the sympathy of the Court. The stand of the respondent that there is a life threat to him at Nellore is not supported by any material much less cogent and convincing material. Invariably the respondent has to go to Nellore to attend the criminal case registered against him. The distance between Nellore and Chittoor is around 150 kilometers. It is not the case of the respondent that the petitioner is having sufficient means to

prosecute the case at Chittoor. Even if the petition is allowed, the same may not cause any inconvenience 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 wife.

6. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia**, and **Sumita Singh v. Kumar Sanjay**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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 it is a fit case to transfer H.M.O.P.No.59 of 2014 from the file of the Senior Civil Judge Court, Chittoor, to the file of the Family Court, Nellore.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.18 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Chittoor, and transferred to the file of the Family Court, Nellore, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 15.06.2015.

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