

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

* * * *

Tr.C.M.P. No.148 of 2015

Between:

Mrs. Kunche Lakshmi Sailaja

.. Petitioner

and

Kunche Nageswara Rao

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

SUBMITTED FOR APPROVAL:

-
-

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

- | | |
|--|--------|
| 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 |

-
-
-
-
-
-

-
-

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.148 of 2015

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.148 of 2014 from the file of the Judge, Family Court, Rajahmundry and transfer the same to the file of the Judge, Family Court, Visakhapatnam for disposal in accordance with law.

2. Heard the learned counsel for the petitioner.

3. In spite of paper publication, the respondent did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

4. The marriage of the petitioner was performed with the respondent on 27.10.2012 at Sitara Function Hall, Seethammadhara, Visakhapatnam as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. The respondent is facing trial for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961 in C.C.No.1450 of 2014 on the file of I Additional Chief Metropolitan Magistrate Court, Visakhapatnam. The petitioner also filed F.C.O.P.No.1263 of 2014 on the file of the Judge, Family Court, Visakhapatnam seeking maintenance from the respondent. The petitioner also filed D.V.C.No.1 of 2015 and the same is pending on the file of II Additional Metropolitan Magistrate Court, Visakhapatnam. The respondent filed F.C.O.P.No.148 of 2014 on the file of the Judge, Family Court, East Godavari District at Rajahmundry for dissolution of marriage between him and the petitioner. The petitioner has been residing at Visakhapatnam at her parents' house due to misunderstandings between her and the respondent. It may not be

possible for the petitioner to travel from Visakhapatnam to Rajahmundry without the assistance of one of the male members of the family. Invariably, the respondent has to attend different Courts at Visakhapatnam in view of pendency of C.C.No.1450 of 2014, F.C.O.P.No.1263 of 2014 and D.V.C.No.1 of 2015. 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 **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.

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. O.P.No.148 of 2014 is withdrawn from the file of the Judge, Family Court, Rajahmundry and transferred to the file of the Judge, Family Court, Visakhapatnam 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: 22.07.2015

lvd

[\[1\]](#) 2013 (6) ALT 42 (SC)

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

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