

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.187 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.18 of 2015 pending on the file of the Court of the Senior Civil Judge, Chirala of Prakasam District and transfer the same to the Family Court, Ranga Reddy District.

2 Heard the learned counsel for both sides and perused the affidavit filed in support of the petition and the counter.

3 The marriage of the petitioner was performed with the respondent on 18.05.2011 at Tanguturu as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of the lawful wedlock, the petitioner and the respondent were blessed with a son on 26.03.2012. For obvious reasons disputes arose between the petitioner and the respondent. Basing on the complaint lodged by the petitioner, the Station House Officer, Saroornagar Women Police Station registered a case in Cr.No.210 of 2014 against the respondent for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed O.P.No.18 of 2015 on the file of the Court of the Senior Civil Judge, Chirala of Prakasam District for dissolution of marriage between him and the petitioner.

4 A perusal of the record reveals that the petitioner has received the summons at Kakaturivaripalem village. The learned counsel for the respondent submitted that the petitioner has been residing at Kakaturivaripalem of Prakasam district. The learned counsel for the respondent submitted that the petitioner has been residing at Saroornagar along with her mother. While deciding the petitions of this nature, the Court is not supposed to enter into controversial issues touching the merits of the main case. Whether the petitioner is residing at Kakutuvaripalem or at Saroornagar is a disputed question of fact which is to be decided by the trial Court at appropriate stage.

5 The distance between Saroornagar and Chirala is nearly 400 k.m. Invariably, the respondent has to attend the Court at Ranga Reddy to contest the criminal case. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel all the way from Saroornagar to Chirala without the support of a male person in the family. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the O.P. is transferred, the same may not cause any prejudice to the respondent.

6 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[3], 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 petitioner deserves the relief as sought for.

7 In the result, the petition is allowed and the O.P.No.18 of 2015 pending on the file of the Court of the Senior Civil Judge, Chirala of Prakasam District is withdrawn from the file of the said Court and the same is transferred to the Family Court, Ranga Reddy for trial and disposal in accordance with law. However, the presence of the respondent before the Family Court, Ranga Reddy District in the said O.P. is dispensed with for each and every adjournment. However, he shall appear before the Family Court, Ranga Reddy district as and when his presence is so required. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 27.07.2015
Kvsn

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

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

[\[3\]](#) AIR 2003 AP 178