

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.216 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw D.O.P. No.216 of 2015 from the file of Principal District Court, Guntur and transfer the same to the file of Principal District Court, Eluru, West Godavari District for disposal in accordance with law.

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 17.5.2013 at Ponnur, Guntur District, as per Christian rites and caste customs. Immediately after the marriage, petitioner joined respondent to lead marital life. They lived together for a short period of two months. It is an admitted fact that the petitioner is a resident of Jangareddygudem, West Godavari District and the respondent is native of Ponnur. At the time of arguments, learned counsel for both the parties submitted that the petitioner and the respondent are close relatives even prior to their marriage.

4. The petitioner has been residing at her parents' house at Jangareddygudem due to misunderstandings between her and the respondent. The respondent filed the D.O.P. for dissolution of the marriage between him and the petitioner. While deciding the petitions of this nature, the court has to take into consideration the convenience and inconvenience of the parties to the proceedings more particularly the inconvenience caused to the wife. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel from Jangareddygudem to

Guntur without the assistance of one of the male members of the family. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and defend the case at Guntur. Keeping in mind the scope of transfer petition, I am not inclined to express any opinion with regard to the allegations and counter allegations made by the parties to the proceedings. 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.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. D.O.P. No.181 of 2015 is withdrawn from the file of Principal District Court, Guntur and transferred to the file of Principal District Court, Eluru, West Godavari District for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.6.2015.
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^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96