

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.533 of 2014

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.790 of 2014 from the file of the Judge, Family Court, Visakhapatnam and transfer the same to the file of the Judge, Family Court, Guntur for disposal 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 17.03.2002 at Mangalagiri, Guntur District as per Hindu Rites and Caste Custom. Out of lawful wedlock, the petitioner and the respondent were blessed with a daughter. The respondent filed F.C.O.P.No.790 of 2014 on the file of the Judge, Family Court, Visakhapatnam. Basing on the complaint of the petitioner, the Station House Officer, Mangalagiri Town Police Station registered a case for the offences under Sections 498-A and 494 I.P.C. against the respondent and others. The petitioner and her daughter have been residing in Mangalagiri at her parents' house due to misunderstandings between her and the respondent. The distance between Visakhapatnam and Guntur is around

450 KM. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and her daughter. It may not be possible for the petitioner to travel 450 KM from Guntur to Visakhapatnam without the assistance of one of the male member of the family. If the petition is dismissed, it may cause some sort of inconvenience to the petitioner. Invariably, the respondent has to attend the criminal Court at Mangalagiri in view of criminal case pending against him. Learned counsel for the petitioner submitted that the respondent also hails from Mangalagiri, but has been residing at

Visakhapatnam in view of his employment.

4. 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.

5. 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.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.790 of 2014 is withdrawn from the file of the Judge, Family Court, Visakhapatnam and transferred to the file of the Judge, Family Court, Guntur for disposal in accordance with law. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this
Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

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Date: 03.07.2015

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^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396