

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.615 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.44 of 2014 from the file of the I Additional Senior Civil Judge, SPSR Nellore District, and transfer the same to the file of the Family Court, Guntur, to dispose of the same in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner being a lady is not in a position to attend the Court at Nellore. Learned counsel for the respondent submitted that the present petition is filed with an ulterior motive to harass the respondent.

3. Admittedly, the marriage of the petitioner was performed with the respondent on 22.05.2013 at Nakkavaripalem village of TP Guduru Mandal of Nellore District. The petitioner and respondent lived together for a short period. Unfortunately, disputes arose between the parties to the proceedings. The petitioner has been residing with her parents at Guntur. Before filing of H.M.O.P.No.44 of 2014, legal notices were exchanged between the parties. It is not uncommon to make allegations and counter allegations in matrimonial cases against each other. While deciding this type of petitions, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the wife. It may not be possible for the petitioner to travel from Guntur to Nellore without the assistance of some male person. If the petition is not allowed, certainly it may cause inconvenience to the petitioner in one way or other.

4. 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. If the petition is not transferred to Guntur, it may cause untold hardship and inconvenience to the petitioner when compared to the respondent.

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 it is a fit case to allow the petition.

6 . Accordingly, the Transfer Miscellaneous Petition is allowed. H.M.O.P.No.44 of 2014 is withdrawn from the file of the I Additional Senior Civil Judge, SPSR Nellore District, and transferred to the file of the Family Court, Guntur, for disposal in accordance with law. The presence of the respondent/husband is dispensed with in H.M.O.P.No.44 of 2014 before the Family Court, Guntur on each and every date of adjournment. However, he shall appear before the Family Court, Guntur as and when his presence is so required. Miscellaneous petitions pending if any, in this transfer civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 09.06.2015.

Rns