

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.315 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw F.C.O.P. No.451 of 2014 from the file of Family Court, Guntur and transfer the same to the file of Family Court, Ongole, 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 15.8.2010 at Guntur, as per Hindu rites and caste customs. After the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a boy and a girl. The petitioner filed M.C. No.37 of 2015 on the file of the Family Court, Ongole seeking maintenance from the respondent. The respondent filed F.C.O.P. No.451 of 2014 on the file of Family Court, Guntur for dissolution of the marriage between him and the petitioner.

4. The petitioner along with her children has been residing at her parents' house at Ongole, due to the disputes between her and the respondent. The distance between Guntur and Ongole is around 120 KMs. It may not be possible for the petitioner to travel 120 KMs along with her minor children without assistance of one of the male members of the family. Invariably, the respondent has to attend the Family Court at Ongole in connection with M.C. No.37 of 2015. While deciding the petitions of this nature, the court has to take into consideration the inconvenience likely to be caused to parties to the proceedings more particularly to the wife. 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 **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 relief sought by the petitioner can be granted.

6. Accordingly, the Transfer CMP is allowed. F.C.O.P. No.451 of 2014 is withdrawn from the file of Family Court, Guntur and transferred to the file of Family Court, Ongole, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 20.7.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96