

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.210 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.127 of 2013 from the file of the Judge, Family Court, Ongole, Prakasam District, and transfer the same to the file of the Principal Senior Civil Judge Court, Narsaraopet, Guntur District, for disposal in accordance with law.

2. Heard 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 11.12.2008 at T.T.D.Kalyana Mandapam, at Narasaraopet, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent at Chirala to lead happy marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a daughter, aged about 4 years. The petitioner filed M.C.No.8 of 2014 seeking maintenance from the respondent and the same is pending on the file of the I Additional District Munsif Court(I Additional Junior Civil Judge Court), Narasaraopet. The respondent filed F.C.O.P.No.127 of 2013 on the file of the Family Court, Ongole for dissolution of marriage between him and the petitioner.

4. For one reason or other, the petitioner has been residing at her parents house at Narasaraopet since 2012. The daughter of the petitioner and the respondent has been residing with the respondent. The respondent hails from Chirala of Prakasam District. Learned counsel for the respondent submitted that the respondent has been residing at Hyderabad.

5. The respondent has to attend the I Additional District Munsif

Court at Narasaraopet in connection with M.C.No.8 of 2014. It is not the case of the respondent that the petitioner is having sufficient means to travel from Narasaraopet to Ongole. Ongole is not the native place of either petitioner or respondent. If the petition is dismissed, it may cause untold hardship to the petitioner.

6. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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 petitioner is entitled for the relief sought for. Learned counsel for the respondent submitted that it may not be possible for the respondent to look after the welfare of his daughter and to attend the Court at Narasaraopet, on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.127 of 2013 is withdrawn from the file of the Family Court, Ongole, Prakasam District, and transferred to the file of the Principal Senior Civil Judge, Narasaraopet, Guntur District, for disposal in accordance with law. The presence of the respondent/husband is hereby dispensed with in F.C.O.P.No.127 of 2013 on the file of the Senior Civil Judge Court, Narasaraopet, Guntur District, on each and every date of adjournment. However, the respondent/husband shall appear before the Senior Civil Judge Court, Narasaraopet, Guntur District, as and when his presence is so required. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:22.06.2015.
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- [\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
[\[2\]](#) 2001(7) Supreme 96
[\[3\]](#) AIR 2002 SC 396