

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.824 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.64 of 2014 from the file of Family Court-cum-IX Additional District Judge, East Godavari at Rajahmundry and transfer the same to any competent Court at Visakhapatnam for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner being a Government employee, it may not be possible for her to attend the Family Court at Rajahmundry. Learned counsel for the respondent submitted that the respondent is an unemployee and the present petition is filed with an intention to harass the respondent.

3. I have perused the affidavit filed in support of the transfer petition and also the counter filed by the respondent. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 15.8.2001 at BGRH School, Shambhu Nagar, Rajahmundry, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, they were blessed with a daughter in the year 2003. Due to various reasons, the petitioner has been residing at Visakhapatnam. It is also an admitted fact that the petitioner has been working as a Teacher in a Government School at Parawada, Visakhapatnam since 2008. While so, the respondent filed the present O.P. against the petitioner on the file of the Family Court, Rajahmundry for restitution of conjugal rights. While deciding the petitions of this nature, the court shall not express any opinion touching the merits of the main case. If this court expresses any opinion, the same may cause prejudice to the parties to the proceedings. While disposing of this type of petitions, the court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, 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 it is a fit case to transfer O.P. No.64 of 2014 from the file of the Family Court, Rajahmundry to the file of the Family Court-cum-V Additional District Judge, Visakhapatnam.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P. No.64 of 2014 is withdrawn from the file of the Family Court-cum-IX Additional District Judge, Rajahmundry and transferred to the file of the Family Court-cum-V Additional District Judge, Visakhapatnam for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 12.06.2015.

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