

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP No.318 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw H.M.O.P.No.121 of 2014 from the file of the Senior Civil Judge court, Guduru, SPSR Nellore District and transfer the same to the Senior Civil Judge Court, Chirala, Prakasam District for disposal in accordance with law.

2. In spite of service of notice, respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to dispose of the matter on merits in the absence of the respondent.

3 . Heard the learned counsel for the petitioner and perused the material available on record.

4 . The marriage of the petitioner was performed with the respondent on 02.03.2001 in Tirumala, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with two children. The petitioner filed M.C.No.37 of 2014 on the file of the Additional Junior Civil Judge Court, Chirala seeking maintenance from the respondent. The respondent filed H.M.O.P.No.121 of 2014 on the file of the Senior Civil Judge Court, Guduru for dissolution of marriage between him and the petitioner.

5. The petitioner has been residing along with her children at her parents' house at Totavaripalem village, Chirala Mandal of Prakasam District due to matrimonial disputes. The distance between Chirala and Guduru is around 150 KMs. The petitioner may face much difficulty to travel from Chirala to Gudur in order to defend H.M.O.P.No.121 of 2014 along with her children. Invariably, the respondent has to attend the Additional Junior Civil Judge Court, Chirala in view of pendency of M.C.No.37 of 2014. If the petition is dismissed, it may cause untold hardship to the petitioner and her children. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing of the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings, more particularly, to the wife.

6. As per the principle enunciated in **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 cases cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

7. Accordingly, H.M.O.P.No.121 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Guduru, SPSR Nellore District and transferred to the Senior Civil Judge Court, Chirala, Prakasam District for trial and disposal in accordance with law.

As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 12.10.2015.

Gv/