

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.812 of 2014

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.337 of 2014 from the file of the Judge, Family Court, Secunderabad and transfer the same to the file of the Judge, Family Court, Visakhapatnam for disposal in accordance with law.

2. _____ Heard the learned counsel for the petitioner.

3. _____ In spite of service of notice to the respondent by way of paper publication, he did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

4. _____ The marriage of the petitioner was performed with the respondent on 12.02.2011 at Narsipatnam of Visakhapatnam District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. The petitioner and the respondent were blessed with a son on 12.01.2012. The respondent filed F.C.O.P.No.337 of 2014 on the file of the Judge, Family Court, Secunderabad for dissolution of marriage between him and the petitioner. The distance between Visakhapatnam and Secunderabad is around 600 KM. The petitioner may face some difficulty to travel from Visakhapatnam to Secunderabad along with her son. As per the recitals in F.C.O.P.No.337 of 2014, the petitioner has been residing in Visakhapatnam. While deciding 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 and children.

5. _____ As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk**

Kanodia^[2] and Sumita Singh v. Kumar Sanjay and another^[3],
the paramount consideration, in transfer of matrimonial cases, is the
convenience of the wife.

6. 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 deserves to be allowed.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.337 of 2014 is withdrawn from the file of the Judge, Family Court, Secunderabad and transferred to the file of the Judge, Family Court, Visakhapatnam for disposal in accordance with law. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

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Date: 27.08.2015

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^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396