

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.801 of 2014

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.45 of 2014 from the file of the Senior Civil Judge, Mangalagiri, Guntur District and transfer the same to the file of the Judge, Family Court, Vijayawada where connected M.C.No.276 of 2014 is pending.

2. Heard the learned counsel for the petitioner.

3. In spite of service of notice, the respondent did not choose to appear before this Court to contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 23.04.2012 at Venkatapalem, Tulluru Mandal, Guntur District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Unfortunately, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house at Vijayawada. The petitioner lodged a complaint to the Station House Officer, II Town Police Station, Vijayawada, who in turn registered a case in Crime No.365 of 2014 against the respondent. The petitioner also filed M.C.No.276 of 2014 on the file of the Judge, Family Court, Vijayawada seeking maintenance from the respondent. The respondent filed H.M.O.P.No.45 of 2014 on the file of the Senior Civil Judge, Mangalagiri for restitution of conjugal rights. Invariably, the respondent has to attend the Family Court and criminal Court at Vijayawada. Even if the petition is allowed, the same may not cause any prejudice to the respondent. If the petition is dismissed, it may cause untold hardship to the petitioner.

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

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and Sumita Singh v. Kumar Sanjay and another, 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. H.M.O.P.No.45 of 2014 is withdrawn from the file of the Senior Civil Judge, Mangalagiri, Guntur District and transferred to the file of the Judge, Family Court, Vijayawada for disposal in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.

T.SUNIL CHOWDARY, J

Date: 15.06.2015

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