

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.240 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.69 of 2014 from the Court of Senior Civil Judge, Razole, East Godavari District and transfer the same to the Court of Senior Civil Judge, Eluru, West Godavari District, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 19.5.1979 at Eluru, as per the Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with two daughters and one son. The petitioner filed M.C. No.15 of 2011 on the file of II Additional Judicial First Class Magistrate, Eluru seeking maintenance from the respondent. The respondent filed O.P. No.69 of 2014 for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house at Eluru due to family disputes. Invariably, the respondent has to attend the Court of II Additional Judicial First Class Magistrate, Eluru in connection with M.C. No.15 of 2011. The filing of the maintenance petition itself indicates the financial status of the petitioner. The distance between Eluru and Razole is about 125 KMs. It may not be possible for the petitioner to travel 125 KMs to attend the Court of Senior Civil Judge, Razole without assistance of one of the male members of the family. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and defend the

case at Razole. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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 the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P. No.69 of 2014 is withdrawn from the Court of Senior Civil Judge, Razole, East Godavari District and transferred to the Court of Senior Civil Judge, Eluru, West Godavari District, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 23.6.2015.
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^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96