

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P. No.528 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.66 of 2015 from the file of the Principal Senior Civil Judge Court at Tirupati and transfer the same to the file of the Judge, Family Court, Guntur.

2. _____ Heard the learned counsel for both the parties and perused the material available on record.

3. _____ The marriage of the petitioner was performed with the respondent on 02.06.2013 at Tirupati, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Guntur registered a case in Crime No.40 of 2015 against the respondent and others for the offences punishable under Sections 498-A and 506 I.P.C. The respondent filed H.M.O.P.No.66 of 2015 on the file of the Principal Senior Civil Judge Court, Tirupati for dissolution of marriage between him and the petitioner.

4. _____ The petitioner has been residing at her parents' house in Guntur. As per the averments in H.M.O.P.No.66 of 2015, the petitioner hails from Guntur. The distance between Guntur and Tirupati is around 300 kilometers. The petitioner may face some difficulty to travel from Guntur to Tirupati in order to prosecute H.M.O.P.No.66 of 2015. Invariably, the respondent has to attend the Judicial First Class Magistrate Court at Guntur in view of pendency of Crime No.40 of 2015. 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.

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. As rightly pointed out by the learned counsel for the respondent, the respondent may face some difficulty to attend the Family Court at Guntur on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.66 of 2015 is withdrawn from the file of the Principal Senior Civil Judge Court at Tirupati and transferred to the file of the Judge, Family Court, Guntur for disposal in accordance with law. The Judge, Family Court, Guntur is hereby directed to dispense with the presence of the respondent/husband in connection with H.M.O.P.No.66 of 2015 on each and every date of adjournment. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 28.10.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

[\[2\]](#) 2001 (7) Supreme 96

[\[3\]](#) AIR 2002 SC 396