

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.184 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.72 of 2014 pending on the file of the Family Court, Secunderabad and transfer the same to the District Court, Prakasam District at Ongole.

2 Heard both sides and perused the material available on record.

3 A perusal of the record reveals that the marriage of the respondent was officiated with the petitioner on 06.08.2009 at Ambedkhar Bhavan, Ongole as per Christian rites and caste custom. Immediately after the marriage, the respondent joined the petitioner to lead marital life. Due to disputes, the respondent has been residing at her parents' house at Tukaram Gate of Secunderabad. The respondent filed O.P.No.72 of 2014 on the file of Family Court, Secunderabad for restitution of conjugal rights. The petitioner filed D.O.P.No.12 of 2012 on the file of District Court, Ongole for dissolution of marriage between him and the petitioner. The respondent filed Tr.CMP No.484 of 2012 on the file of this Court seeking transfer of DOP No.12 of 2012 from the District Court, Ongole to the Family court at Secunderabad. This Court dismissed the said petition on 16.3.2013. Now the petitioner filed the present petition seeking transfer of O.P.No.72 of 2014 from the Family Court, Secunderabad

to District Court, Ongole.

4 The respondent has been residing at her parents' house in Secunderabad since 2010. If the O.P.No.72 of 2014 filed by the respondent on the file of the Family Court, Secunderabad is transferred to the District Court Ongole, certainly, it would cause untold hardship and inconvenience to the respondent as well as to her witnesses. Even if the petition is dismissed, it may not cause prejudice to the petitioner. Further, the petitioner failed to make out grounds much less valid grounds for transfer of the O.P.No.72 of 2014 filed by the respondent.

5 While deciding the petitions of this nature, the Court has to taken into consideration the convenience of the parties, more particularly, the convenience of the wife. As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[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 cases cited supra, I am of the considered view that the petitioner is not entitled to the relief as sought for.

6 In the result, the petition is dismissed. Consequently, miscellaneous petitions, if any, pending in

this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 23rd June, 2015
Kvsn

[\[1\]](#) AIR 2002 SC 396

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

[\[3\]](#) AIR 2003 AP 178