

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP No.487 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw F.C.O.P.No.973 of 2015 from the file of the Additional Family Court, Visakhapatnam and transfer the same to the Family Court, Vijayawada.

2. Heard both the counsel and perused the affidavit filed in support of the petition and the counter filed by the respondent.

3 . The marriage of the petitioner was performed with the respondent on 14.02.2002 in Vijayawada, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For obvious reasons, bad weather prevailed in the family life of the petitioner and the respondent. The respondent filed F.C.O.P.No.973 of 2015 on the file of the Additional Family Court at Visakhapatnam to declare the marriage between him and the petitioner as null and void.

4. The petitioner has been residing at her parents' house in Vijayawada. The distance between Vijayawada and Visakhapatnam is around 350 KMs. The petitioner may face much difficulty to travel from Vijayawada to Visakhapatnam in order to defend FCOP No.973 of 2015. This Court is not inclined to express any opinion with regard to the allegations and the counter allegations made against each other in view of the scope of the transfer petition. 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. While disposing of 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 **Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, 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 relief sought by the petitioner can be granted.

6. As rightly pointed out by the learned counsel for the respondent it may not be possible for the respondent to attend the Family Court, Vijayawada on each and every date of adjournment. Even if the presence of the respondent/husband is dispensed with no prejudice would be caused to the petitioner.

7. For these reasons, F.C.O.P.No.973 of 2015 is withdrawn from the file of the Additional Family Court, Visakhapatnam and transferred to the Family Court, Vijayawada for disposal in accordance with law. The presence of the respondent/husband before the Family Court, Vijayawada in connection with F.C.O.P.No.973 of 2015, on each and every date of adjournment, is hereby dispensed with. However, the respondent shall appear as and when the Court feels that his presence is so required.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 07.10.2015.

GvI