

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.92 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw D.O.P.No.13 of 2014 from the file of the VI Additional District Judge, Markapur, Prakasam District and transfer the same to the file of the Judge, Family Court, Visakhapatnam for disposal in accordance with law.

2. The facts leading to filing of the present petition, in brief, are as follows:

The marriage of the petitioner was performed with the respondent on 30.05.2014 at Telugu Baptist Town Church, ABM Compound, Markapuram as per Christian Rites and Caste Custom. Immediately after the marriage, the petitioner joined with the respondent to lead happy marital life. As per the allegations made in the divorce petition, the petitioner and the respondent lived together at Markapuram for a period of 9 days only. The respondent filed D.O.P.No.13 of 2014 on the file of the VI Additional District Judge, Markapur, Prakasam District for dissolution of marriage between him and the petitioner. Hence, the petition.

3. Learned counsel for the petitioner submitted that the petitioner, being a lady, is not in a position to attend the Court at Markapur on each and every date of adjournment.

4. Learned counsel for the respondent submitted that the Family Court, Visakhapatnam has no territorial jurisdiction to entertain the present petition.

5. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 30.05.2014 at Telugu Baptist Town Church, ABM Compound, Markapuram as per Christian Rites and Caste Custom. The petitioner stayed with the respondent from 30.05.2014 to 09.06.2014 as per the allegations made in the divorce petition. The fact remains that disputes arose between the petitioner and the respondent within a period of one week from the date of marriage. It is not the case of the respondent that the petitioner is having sufficient means to travel from Visakhapatnam to Markapuram. It may not be possible for the petitioner to attend the Court at Markapur on each and every date of adjournment without the assistance of

some male person. While deciding this type of petitions, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the wife.

6. 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.

7. Learned counsel for the respondent submitted that the respondent has been working as a Software Engineer at Bangalore. Hence, his presence may be dispensed with on each and every date of adjournment.

8. 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 it is a fit case to transfer D.O.P.No.13 of 2014 from the file of the VI Additional District Judge, Markapur, Prakasam District to the file of the Judge, Family Court, Visakhapatnam.

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. D.O.P.No.13 of 2014 is withdrawn from the file of the

VI Additional District Judge, Markapur, Prakasam District and transferred to the file of the Judge, Family Court, Visakhapatnam for disposal in accordance with law. The presence of the respondent/husband is hereby dispensed with on each and every date of adjournment before the Family Court, Visakhapatnam. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 09.06.2015

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