

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.806 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw D.O.P.No.177 of 2014 from the file of the Principal District Judge, Khammam and transfer the same to the file of the Judge, Family Court, Guntur or any other Court for disposal in accordance with law.

2. The facts leading to filing of the present petition are briefly as follows: The marriage of the petitioner was performed with the respondent on 10.5.2008 at Errupalem Village of Khammam District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy matrimonial life. Out of lawful wedlock, they were blessed with a son. Due to disputes, the petitioner has been residing at her parents' house at Uddandarayunipalem Village, Tulluru Mandal, Guntur District. The respondent filed D.O.P. No.177 of 2014 for dissolution of marriage between him and the petitioner. Hence, the petition.

3. Learned counsel for the petitioner submitted that the petitioner is facing much difficulty to attend the Court at Khammam along with her son. Learned counsel for the respondent, on the other hand, submitted that the petitioner filed the present petition with an ulterior motive to harass the respondent.

4. It is an admitted fact that the petitioner and the respondent were blessed with a son out of lawful wedlock. At the time of arguments, learned counsel for the petitioner submitted that the son of the petitioner and respondent, who is suffering with leukemia, is taking treatment at Government General Hospital, Guntur. The distance between petitioner's place and Khammam is nearly 200 KMs. It is not the case of the respondent that the petitioner is having sufficient means to attend the Court at Khammam. It is not possible for the petitioner to travel from her native place to Khammam along with her son. While disposing of this type of petitions, the court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, 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 case cited supra, I am of the considered view that it is a fit case to transfer D.O.P.No.177 of 2014 from the file of the Principal District Judge, Khammam to the file of the Principal District Judge, Guntur.

6 . Accordingly, the Transfer Miscellaneous Petition is allowed. D.O.P.No.177 of 2014 is withdrawn from the file of the Principal District Judge, Khammam and transferred to the file of the Principal District Judge, Guntur for disposal in accordance with law. Taking into consideration the financial condition of the respondent, his presence before the transferee court i.e., the Court of Principal District Judge, Guntur, on each and every date of adjournment is dispensed with. However, he shall appear before the transferee court as and when his presence is so required. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 08.06.2015.

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