

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.277 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.20 of 2015 from the file of the Senior Civil Judge, Bapatla, Guntur District and transfer the same to the file of the Senior Civil Judge, Nuzvid, Krishna District for disposal in accordance with law.

2. _____ Heard the learned counsel for the petitioner.

3. _____ As directed by this Court, the petitioner sent notice to the respondent by registered post with acknowledgement due. The postal cover was returned with an endorsement that the respondent refused to take the notice. Hence, I am of the considered view that the notice was served on the respondent.

4. _____ The marriage of the petitioner was performed with the respondent on 24.12.2009 at Vijayawada as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with one daughter. Basing on the complaint of the petitioner, the Station House Officer, Mylavaram Police Station registered a case in Crime No.128 of 2014 against the respondent and others for the offences punishable under Sections 498-A, 323 and 506 (2) of I.P.C. The respondent filed H.M.O.P.No.20 of 2015 on the file of the Senior Civil Judge, Bapatla to declare that the petitioner is not his wife. The petitioner has been residing at Ganapavaram Village, Krishna District at her parents' house due to misunderstandings between her and the respondent. The distance between Mylavaram and Bapatla is nearly 150 KM. It may not be possible for the petitioner to travel 150 KM without the assistance of one of the male member of the family. Invariably, the respondent has to attend the Junior Civil Judge Court at Mylavaram. If

the petition is dismissed, it may cause untold hardship to the petitioner. 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 and children.

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. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.20 of 2015 is withdrawn from the file of the Senior Civil Judge, Bapatla, Guntur District and transferred to the file of the Senior Civil Judge, Nuzvid, Krishna District for disposal in accordance with law. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 21.07.2015

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^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396