

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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Tr.C.M.P. No.352 of 2015

Between:

Smt. Veeramachineni Hema Surya Prabha

.. Petitioner

and

Veeramachineni Subrahmanyam

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.352 of 2015

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.573 of 2015 from the file of the Additional Family Court, City Civil Courts at Hyderabad and transfer the same to the file of the Senior Civil Judge, Kovvur, West Godavari District to try along with O.P.No.40 of 2015 in accordance with law.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 11.02.2001 at T.T.D. Kalyana Mandapam, Kovvur, West Godavari District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a daughter. The petitioner filed O.P.No.40 of 2015 on the file of the Senior Civil Judge, Kovvur for restitution of conjugal rights. The respondent filed O.P.No.573 of 2015 on the file of the Additional Family Court, City Civil Courts, Hyderabad for dissolution of marriage between him and the petitioner. The distance between Hyderabad and Kovvur is around 400 KM. The petitioner may face some difficulty to attend the Additional Family Court at Hyderabad. Invariably, the respondent has to attend the Senior Civil Judge's Court at Kovvur in view of pendency of O.P.No.40 of 2015. 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.

4. 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.

5. 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.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.573 of 2015 is withdrawn from the file of the Additional Family Court, City Civil Courts at Hyderabad and transferred to the file of the Senior Civil Judge, Kovvur, West Godavari District for disposal in accordance with law. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

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Date: 14.08.2015
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^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396