

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.C.M.P.No.375 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.73 of 2015 from the file of the VII Additional District Court, Gudur and transfer the same to the Principal District Court, Ongole.

2. In spite of service of notice respondent did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

3. Heard the learned counsel for the petitioner and perused the material available on record.

4. The marriage of the petitioner was officiated with the respondent on 12.06.2014, as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Vetapalem Police Station registered a case in Crime No.141 of 2014 for the offence punishable under Section 498-A of IPC and Section 3 and 4 of Dowry Prohibition Act against the respondent. The petitioner filed M.C.No.29 of 2014 on the file of the Additional Junior Civil Judge, Chirala against the respondent seeking maintenance. The respondent filed O.P.No.73 of 2015 on the file of the VII Additional District Court, Gudur for restitution of conjugal rights.

5. The petitioner has been residing at her parents' house at Vetapalem due to misunderstandings between her and the respondent. The distance between Vetapalem and Gudur is around 150 KMs. It may not be possible for the petitioner to travel

all the way from Vetapalem to Gudur without the assistance of one of the male members of the family in order to defend O.P.No.73 of 2015. Invariably, the respondent has to attend the Criminal Court at Chirala in view of pendency of M.C.No. 29 of 2014 and Crime No.141 of 2014. 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 ground realities as well as the hardship likely to be caused to the wife.

6. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.73 of 2015 is withdrawn from the file of the VII Additional District Court, Gudur and transferred to the Principal District Court, Ongole for trial and disposal in accordance with law.

As a sequel, miscellaneous petitions, if any pending in this petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 25.08.2015.

GvI

^[1] AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96