

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.116 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.6 of 2015 pending on the file of the Court of Senior Civil Judge, Kadiri of Anantapur District and transfer the same to the Family Court, Kadapa.

2 Heard both sides and perused the material available on record.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 09.11.2012 at TTD Kalyanamantapam, Kadiri as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to disputes, the petitioner has been residing at her parents' house in Padigalapalle village of Kadapa District. The respondent filed OP No.6 of 2015 on the file of Senior Civil Judge's Court, Kadiri for dissolution of marriage between him and the petitioner.

4 While deciding the petitions of this nature, the Court has to taken into consideration the convenience of the parties, more particularly, the convenience of the wife. It is not the case of the respondent that the petitioner is having sufficient means to travel from Padigalapalle village to Kadiri. Therefore, as rightly pointed out by the

learned counsel for the petitioner, it may not be possible for the petitioner to go to Kadiri, that too without the assistance of any male assistance. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

5 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[3], 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 petitioner deserves the relief as sought for.

6 In the result, the petition is allowed and the O.P.No.6 of 2015 pending on the file of the Court of Senior Civil Judge, Kadiri of Anantapur District is withdrawn from the file of the said Court and the same is transferred to the Family Court, Kadapa for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 22.06.2015

Kvsn

[\[1\]](#) AIR 2002 SC 396

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

[\[3\]](#) AIR 2003 AP 178