

**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.34 of 2015

Between:

Pasumarthi Venkata Naga Surya Lakshmi Srideepthi
@ Srideepthi

.. Petitioner

and

Pasumarthi Mallikarjuna Subramanyam

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

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.34 of 2015

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.1363 of 2014 from the file of the Judge, Family Court, Visakhapatnam and transfer the same to the file of the Principal Senior Civil Judge at Kakinada, for disposal in accordance with law.

2. Heard the learned counsel for the petitioner.

3. In spite of service of notice by way of publication, the 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.

4. The marriage of the petitioner was performed with the respondent on 19.02.2009 at Merchants Association Building, Kakinda 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 one daughter. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Kakinada registered a case in Crime No.21 of 2014 against the respondent and others for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The petitioner filed M.C.No.26 of 2014 on the file of the Special Mobile Judicial First Class Magistrate, Kakinda seeking maintenance from the respondent. While so, the respondent filed F.C.O.P.No.1363 of 2014 on the file of the Judge, Family Court, Visakhapatnam for restitution of conjugal rights.

5. The petitioner has been residing at her parents' house in Kakinada along with her daughter due to misunderstandings between

her and the respondent. Invariably, the respondent has to attend the criminal Courts at Kakinada in view of pendency of criminal case and M.C.No.26 of 2014. The petitioner may face some difficulty to travel from Kakinada to Visakhapatnam along with her daughter in order to prosecute F.C.O.P.No.1363 of 2014. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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.

6. 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.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1363 of 2014 is withdrawn from the file of the Judge, Family Court, Visakhapatnam and transferred to the file of the Principal Senior Civil Judge at Kakinada, for disposal in accordance with law. There shall be no order as to costs.

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

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T.SUNIL CHOWDARY, J

Date: 07.08.2015

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[\[1\]](#) 2013 (6) ALT 42 (SC)

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

[\[3\]](#) AIR 2002 SC 396