

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P. No.239 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.13 of 2015 from the file of the Senior Civil Judge Court, Tanuku, West Godavari District and transfer the same to the file of the Family Court, Srikakulam or any other competent Court in Amudalavalasa.

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 12.05.2004 at T.T.D. Kalyana Mandapam, Tanuku Town and Mandal, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a son on 19.04.2011. The respondent filed O.P.No.13 of 2015 on the file of the Senior Civil Judge Court, Tanuku for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing in her parents' house at Pathapadu Village of Srikakulam District along with her son. The distance between Tanuku and Srikakulam is around 380 kilometers. The petitioner may face some difficulty to travel from Srikakulam to Tanuku along with her son in order to prosecute O.P.No.13 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.

5. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and **Sumita Singh v. Kumar Sanjay and another**, 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. As rightly pointed out by the learned counsel for the respondent, the respondent

may face some difficulty to attend the Family Court at Srikakulam on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.13 of 2015 is withdrawn from the file of the Senior Civil Judge Court, Tanuku, West Godavari District and transferred to the file of the Family Court, Srikakulam for disposal in accordance with law. The presence of the respondent/husband in connection with O.P.No.13 of 2015 is hereby dispensed with before the Family Court at Srikakulam on each and every date of adjournment. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 01.10.2015

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