

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

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Transfer C.M.P.No.419 of 2015

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Between:

Torati Lavanya

.. Petitioner

And

Torati Bobby

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 19.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.419 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.69 of 2015 from the file of the Senior Civil Judge, Ramachandrapuram, East Godavari District, and transfer the same to

the Family Court, Eluru, West Godavari District.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 02.08.2012 at Draksharamam, East Godavari District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a son on 08.12.2013. The petitioner filed M.C.No.3 of 2015 on the file of the Special Judicial Magistrate of First Class, Eluru seeking maintenance from the respondent. The respondent filed H.M.O.P.No.69 of 2015 on the file of the Senior Civil Judge, Ramachandrapuram for restitution of conjugal rights.

4. The petitioner has been residing at her parents house in West Godavari District due to misunderstandings between her and the respondent. The distance between the petitioner's native place and Ramachandrapuram is around 200 kilometers. The petitioner may face some difficulty to travel from her native place to Ramachandrapuram in order to prosecute O.P.No.69 of 2015. Invariably, the respondent has to attend the Criminal Court at Eluru in view of pendency of M.C.No.3 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, the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[3], 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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.69 of 2015 is withdrawn from the file of the Senior Civil Judge, Ramachandrapuram, East Godavari District, and transferred to the Court of Principal Senior Civil Judge, Eluru, West Godavari District. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

19.08.2015.

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[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

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

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