

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.505 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.18 of 2014 from the file of the Senior Civil Judge Court, Avanigadda, Krishna District and transfer the same to the file of Family Court, Guntur, for disposal in accordance with law.

2. The facts leading to filing of the present petition are briefly as follows: The marriage of the petitioner was performed with the respondent on 01.05.2008 at Challapalli village of Krishna District as per Hindu rites and caste customs. Out of their lawful wedlock, the petitioner and respondent were blessed with a female child, by name Annapureddy Gayatri. Due to some family disputes, the petitioner lodged a complaint to the Station House Officer, Kothapet, who in turn registered a case in Crime No.490 of 2012 under Section 498-A IPC and 3 and 4 of DP Act against the respondent and others. After completion of investigation, police laid charge sheet against the respondent and others. The criminal case is pending on the file of IV Additional Judicial Magistrate of First Class, Guntur. The petitioner also filed F.C.O.P.(MC) No.335 of 2013 on the file of the Family Court, Guntur seeking maintenance from the respondents and the same is pending. The respondent herein filed H.M.O.P.No.18 of 2014 against the petitioner herein on the file of the Senior Civil Judge, Avanigadda for dissolution of marriage. Hence, the petition.

3. Learned counsel for the petitioner submitted that it may not be possible for the petitioner to attend the Court at Avanigadda due to financial problems. Learned counsel for the respondent, on the other hand, submitted that the petitioner filed the present petition with an ulterior motive to harass the respondent.

4. It is an admitted fact that the maintenance case and the criminal case are pending in different courts at Guntur. The petitioner is a resident of Guntur. It is not the case of the respondent that the petitioner is having sufficient means to travel from Guntur to Avanigadda by spending some amount. It may not be possible for the petitioner to attend the Court at Avanigadda without the assistance of some male member.

5. It is needless to say that the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings while deciding this type of cases. If the matter is not transferred to Guntur, it may cause untold hardship and inconvenience to the petitioner. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Rachna Kanodia v. Anuk Kanodia**, and **Sumita Singh v. Kumar Sanjay**, 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 case cited supra, I am of the considered view that it is a fit case to transfer H.M.O.P.No.18 of 2014 from the file of the Senior Civil Judge Court, Avanigadda, Krishna District, to the file of the Family Court, Guntur.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.18 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Avanigadda, Krishna District and transferred to the file of the Family Court, Guntur, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 03.06.2015.

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