

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.664 of 2014

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.20 of 2014 pending on the file of the Court of Senior Civil Judge, Narsipatnam of Visakhapatnam district and transfer the same to the Family Court, Tirupati of Chittoor district.

2 The learned counsel for the petitioner submitted that it is very difficult for the petitioner to travel from Tirupati to Narsipatnam to prosecute the O.P.No.20 of 2014.

3 On the other hand, the learned counsel for the respondent submitted that it may cause untold hardship and inconvenience to the respondent if the O.P. is transferred to Tirupati.

4 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 13.02.2011 at Tiruchanur of Chittoor district as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent at Narsipatnam to lead happy marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a daughter. For obvious reasons disputes arose between the petitioner and the respondent. The respondent filed O.P.No.20 of 2014 on the file of Senior Civil Judge, Narsipatnam of Visakhapatnam district for restitution of conjugal rights.

5 The petitioner has been residing at her parents' house at Tirupati along with her minor daughter from 2014 onwards due to family disputes. At the time of arguments, both counsel submitted that the petitioner filed FCOP No.50 of 2015 on the file of Family Court at Tirupati seeking maintenance from the respondent.

6 The distance between Narsipatnam and Tirupati is more than 700 k.m. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel all the way from

Tirupati to Narsipatnam without the support of a male person in the family. Invariably, the respondent has to attend the Court at Tirupati to contest the FCOP No.50 of 2015 filed by the petitioner. It is not the case of the respondent that the petitioner is having sufficient source of income to maintain herself and her daughter. The Court has to take into consideration the hardship likely to be caused to the parties while deciding the petitions of this nature. 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 to the respondent.

7 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay, Rachna Kanodia Vs. Anuk Kanodia***, and ***V. Sailaja Vs. V. Koteswara Rao***, 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.

8 In the result, the petition is allowed and the O.P.No.20 of 2014 pending on the file of the Court of Senior Civil Judge, Narsipatnam of Visakhapatnam district is withdrawn from the file of the said Court and the same is transferred to the Family Court, Tirupati of Chittoor district 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: 18.06.2015

Kvsn