

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

Tr.C.M.P.No.300 of 2015

Between:

Gandreddi Alekya, W/o Ganesh Kumar ... Petitioner

and

Gandreddi Ganesh Kumar, S/o Satyanarayana.
... Respondent (s)

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 Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.C.M.P.No.300 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.4 of 2014 from the file of the Senior Civil Judge Court, Pithapuram and transfer the same to the Family Court, Visakhapatnam for disposal in accordance with law.

2. In spite of service of notice, 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.

3. Heard the learned counsel for the petitioner and perused the material available on record.

4. The marriage of the petitioner was performed with the respondent on 03.03.2011 at Bendapudi Village, 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 the respondent were blessed with a daughter on 04.12.2011. The petitioner filed DVC case on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam, which is numbered as DDR 4433 of 2015. The respondent filed O.P.No.4 of 2014 on the file of the Senior Civil Judge Court, Pithapuram for dissolution of marriage between him and the petitioner.

5. The petitioner has been residing at her parents' house in Visakhapatnam since 2014 due to misunderstandings between her and the respondent. The distance between Visakhapatnam and Pithapuram is around 300 KMs. The petitioner may face much difficulty to travel from Visakhapatnam to Pithapuram in order to defend O.P.No.4 of 2014. Invariably, the respondent has to attend the Criminal Court in Visakhapatnam in view of pendency of DVC case against him. If the petition is dismissed, it may cause untold hardship to the petitioner and her children. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While

disposing of the petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

6. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 relief sought by the petitioner can be granted.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.4 of 2014 is withdrawn from the file of the Senior Civil Judge Court, Pithapuram and transferred to the Family Court, Visakhapatnam for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any pending in this petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 19.08.2015.

Gv/

^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96