

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.261 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.141 of 2015 from the file of the Family Court, Secunderabad and transfer the same to the Family Court at Srikakulam for disposal in accordance with law.

2. In spite of service of notice, 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 12.02.2012 at Varma Residency, Srikakulam, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a son. The respondent filed O.P. No.141 of 2015 on the file of the Family Court, Secunderabad for dissolution of the marriage between him and the petitioner._

5. The petitioner has been residing at her parents' house at Srikakulam along with her son due to misunderstandings between her and the respondent. The distance between Secunderabad to Srikakulam is nearly 750 KMs. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself, her son and to travel from Srikakulam to Secunderabad. Even as per the averments made in O.P No.141 of 2015, the respondent hails from Srikakulam District. If the petition is dismissed, it may cause untold hardship to the petitioner. 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 **V.Sailaja v V.Koteswara Rao** ^[1], **Sumita Singh v. Kumar Sanjay** ^[2] and **Rachna Kanodia v. Anuk Kanodia** ^[3], 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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.141 of 2015 is withdrawn from the file of the Family Court, Secunderabad and transferred to the Family Court, Srikakulam for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand -closed.

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T.SUNIL CHOWDARY, J.

Date: 02.07.2015.

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

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96