

**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.389 of 2015

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Between:

Smt.Tata Gita Rani

.. Petitioner

And

Tata Seva Kumar

.. 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.389 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.198 of 2015 from the file of the Family Court, Guntur, and transfer the same to the Family Court, Visakhapatnam, for disposal in

accordance with law.

2. Heard both the counsels and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 03.07.1999 at Visakhapatnam, 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 one son and one daughter. The respondent filed F.C.O.P.No.198 of 2015 on the file of the Family Court, Guntur, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Visakhapatnam along with her children due to misunderstandings between her and the respondent. The distance between Guntur and Visakhapatnam is around 300 kilometers. The petitioner may face some difficulty to travel from Visakhapatnam to Guntur to prosecute O.P.No.198 of 2015 as she has to take care of her children. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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 and the children.

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. As rightly pointed out by the learned counsel for the respondent, it may not be possible for the respondent to attend the Family Court at Visakhapatnam on each and every date of adjournment in view of his profession (doctor). Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.198 of 2015 is withdrawn from the file of the Family Court, Guntur, and transferred to the file of Family Court, Visakhapatnam. The presence of the respondent before the Family Court, Visakhapatnam in FCOP No.198 of 2015 is dispensed with on each and every date of adjournment. However, he shall appear before the Family Court, Visakhapatnam, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

19.08.2015.

Rns

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

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

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