

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.198 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.507 of 2013 from the file of the Judge, Family Court, Visakhapatnam, and transfer the same to the file of the Judge, Family Court, City Civil Court, Hyderabad, for disposal in accordance with law.

2. Heard both sides and perused the affidavit filed in support of the petition and the counter filed by the respondent.

3. The marriage of the petitioner was performed with the respondent on 12.03.2000 at Kshatriya Kalyana Mandapam, Seethammadhara, Visakhapatnam, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent at Chirala to lead happy marital life. Out of lawful wedlock, the petitioner and respondent were blessed with one son and one daughter. The petitioner filed O.P.No.507 of 2013 on the file of the Additional Family Court, Visakhapatnam for dissolution of marriage between him and the respondent. It is an admitted fact that the petitioner and respondent hail from Visakhapatnam District. The petitioner is working as a Software Engineer in Hyderabad. The respondent has been working as a Software Engineer at Bangalore. The children are under the care and custody of the respondent-wife. The petitioner himself has chosen to invoke the jurisdiction of Family Court, at Visakhapatnam. Simply because he is working as a Software Engineer in Hyderabad, that itself is not a valid ground to allow the present petition. The Court has to take into consideration the convenience and inconvenience likely to be caused to the parties to the proceedings. It is needless to say that the Court has to take into

consideration the inconvenience likely to be caused to the wife while deciding the petitions of this nature. It may not be possible for the respondent to come all the way from Bangalore to Hyderabad. It is more convenient for both of them to prosecute the case at Visakhapatnam, as the parents of both parties are residing at Visakhapatnam. The witnesses to be examined on behalf of both parties also belong to Visakhapatnam.

4. Having regard to the facts and circumstances of the case, I am of the considered view that there are no grounds much less valid grounds to allow the petition. Petition is lack of bonafides.

5. Hence, the Transfer Civil Miscellaneous Petition is dismissed. However, the Additional Family Court Judge, Visakhapatnam, is hereby directed to dispose of the O.P.No.507 of 2013 as early as possible, provided both parties cooperates with the court for disposal of the matter. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:22.06.2015.
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