

**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.409 of 2015

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Between:

Tulasi Suneetha

.. Petitioner

And

Tulasi Satya Ram Prasad

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 19.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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.409 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw

O.P.No.42 of 2015 from the file of the III Additional Senior Civil Judge, Kakinada, and transfer the same to the Principal Senior Civil Judge, Ongole.

2. In spite of service of notice, respondent did not choose to appear and oppose the petition. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 02.08.2012 at Kakinada, 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 a daughter. The petitioner filed M.C.No.15 of 2014 on the file of the Special Judicial Magistrate of First Class, Excise Court, Ongole seeking maintenance from the respondent. The respondent is also facing trial in D.V.C.No.7 of 2015 which is pending before the Excise Magistrate, Ongole. The respondent filed O.P.No.42 of 2015 on the file of the III Additional Senior Civil Judge, Kakinada, for restitution of conjugal rights.

4. The petitioner has been residing at her parents house in Pulikonda village of Prakasam District along with her daughter. The distance between Pulikonda and Kakinada is around 300 kilometers. The petitioner may face some difficulty to travel from Pulikonda to Kakinada in order to prosecute O.P.No.42 of 2015. Invariably, the respondent has to attend the Excise Court, Ongole in view of pendency of M.C.No.15 of 2014 and D.V.C.No.7 of 2015. 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 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. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.42 of 2015 is withdrawn from the file of the III Additional Senior Civil Judge, Kakinada, and transferred to the Principal Senior Civil Judge Court, Ongole. 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