

**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.385 of 2015**

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Between:

Bachu Nagamani

.. Petitioner

And

Bachu Srujan Kumar

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

**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 Yes/No  
marked to Law Reporters/Journals
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.385 of 2015**

**ORDER:**

This petition is filed under Section 24 C.P.C., to withdraw  
O.P.No.13 of 2015 from the file of the Senior Civil Judge, Jagtial,

Karimnagar District, and transfer the same to Family Court, at Vijayawada, Krishna District, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 02.03.2012 at Markhandeya Mandiram, Padmashali Sangam in Korutla 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 son on 21.10.2013. The respondent filed O.P.No.13 of 2015 on the file of Senior Civil Judge, Jagtial, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at Vijayawada since 2013 due to misunderstandings between her and the respondent. The distance between the Jagtial and Vijayawada is nearly 500 kilometers. It may not be possible for the petitioner to travel 500 kilometers along with her minor son in order to prosecute O.P.No.13 of 2015. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and her son. 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**<sup>[1]</sup>, **Rachna Kanodia v. Anuk Kanodia**<sup>[2]</sup>, and **Sumita Singh v. Kumar Sanjay**<sup>[3]</sup>, 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. Learned counsel for the respondent submitted that the respondent may face some difficulty to attend the Family Court, at Vijayawada, on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.13 of 2015 is withdrawn from the file of the Senior Civil Judge, Jagtial, Karimnagar District, and transferred to the file of the Family Court, at Vijayawada, Krishna District, for disposal in accordance with law. The presence of the respondent/husband before the Family Court, Vijayawada in connection with O.P.No.13 of 2015, on each and every date of adjournment, is hereby dispensed with. However, he shall appear before the Family Court, Vijayawada, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

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**T.SUNIL CHOWDARY, J**

11.08.2015.

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

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

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