

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.101 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.83 of 2014 from the file of the Judge, Family Court, Vizianagaram, and transfer the same to the court of Senior Civil Judge, at Rajam, Srikakulam District, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear before the Court and contest the matter. 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 27.05.2011 at Vizianagaram, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and respondent blessed with a son on 26.05.2012. The petitioner lodged a complaint to the Station House Officer, Rajam against the respondent and his family members for the offences punishable under Section 498-A read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act. The respondent filed F.C.O.P.No.83 of 2014 on the file of Family Court, Vizianagaram for dissolution of marriage between him and the petitioner. The petitioner has been residing at her parents house from 2014 onwards along with her son due to misunderstandings between her and the respondent. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and prosecute the case at Vizianagaram. Even otherwise, the respondent has to attend the criminal Court at Rajam. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing 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.

4. 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.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am inclined to consider the relief sought by the petitioner.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.83 of 2014 is withdrawn from the file of the Family Court, Vizianagaram, and transferred to the file of the Senior Civil Judge, Rajam, Srikakulam District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Date:08.07.2015.

Rns

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

^[2] 2001(7) Supreme 96

^[3] AIR 2002 SC 396