

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.388 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.162 of 2014 from the file of the Family Court, Vijayawada, Krishna District, and transfer the same to Family Court, Eluru, West Godavari District.

2. In spite of service of notice, respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to dispose of the matter on merits in the absence of the respondent. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was officiated with the respondent on 14.02.2013 at Bethlehem Prardhana Mandiram, Labbipet, Vijayawada, as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C.No.11 of 2015 under Section 125 Cr.P.C. on the file of Additional Judicial First Class Magistrate, Palakol, seeking maintenance from the respondent. The respondent filed O.P.No.162 of 2014 for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Palakollu, West Godavari District, due to misunderstandings between her and the respondent. Even as per the averments made in O.P.No.162 of 2014 also, the petitioner is residing at Palakollu. The distance between Vijayawada and Palakollu is around 150 kilometers. The petitioner may face some difficulty to travel from Palakollu to Vijayawada in order to prosecute O.P.No.162 of 2014. Invariably, the respondent has to attend the Court of Judicial Magistrate of First Class, Palakollu. While deciding the petitions of this nature, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the parties to the proceedings, more particularly, the wife.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay, Rachna Kanodia v. Anuk Kanodia** and **V.Sailaja v V.Koteswara Rao** 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 O.P.No.162 of 2014 is withdrawn from the file of the Family Court, Vijayawada, Krishna District, and transferred to the file of Family Court, Eluru, West Godavari District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

29.09.2015.

Rns