

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.714 of 2014

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.1259 of 2014 pending on the file of Family Court, Visakhapatnam and transfer the same to the Family Court at Warangal.

2 The learned counsel for the petitioner submitted that the petitioner, being a lady, is facing much difficulty to attend Family the Court at Visakhapatnam.

3 On the other hand, the learned counsel for the respondent submitted that the petitioner filed the present petition with an ulterior motive and to harass the respondent. He further submitted that it may not be possible for the respondent to travel from Visakhapatnam to Warangal if the O.P.No.1259 of 2014 is transferred.

4 I have carefully perused the material available on record. The marriage of the petitioner was performed with the respondent on 05.03.2014 at Hanamkonda as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. For obvious reasons disputes arose between the petitioner and the respondent. As of now, the petitioner is residing at her parents' house at Warangal. The petitioner filed DVC No.12 of 2014 and the same is pending on the file of the Court of the IV Additional Judicial Magistrate of I Class, Warangal. The respondent filed O.P.No.1259 of 2014 on the file of Family Court, Visakhapatnam for dissolution of marriage between him and the petitioner.

5 The distance between Visakhapatnam and Warangal is nearly 600 k.m. Invariably, the respondent has to attend the Court of IV Additional Judicial Magistrate of I Class, Warangal to contest the DVC No.12 of 2014. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel all the way from Warnagal to Visakhapatnam without the support of a male

person in the family. The petitioner submitted that there is life threat to her if she goes to Visakhapatnam. On the other hand, the respondent submitted that there is life threat to him if he goes to Warangal. It is not uncommon to make allegations, in matrimonial cases, against each other for the reasons best known to the parties to the proceedings. The Court has to confine itself to the inconvenience likely to be caused to the parties to the proceedings while deciding the petitions of this nature. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the O.P. is transferred, the same may not cause any prejudice to the respondent.

6 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay, Rachna Kanodia Vs. Anuk Kanodia***, and ***V. Sailaja Vs. V. Koteswara Rao***, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 the petitioner deserves the relief as sought for.

7 In the result, the petition is allowed and the O.P.No.1259 of 2014 pending on the file of Family Court, Visakhapatnam is withdrawn from the file of the said Court and the same is transferred to the Family Court at Warangal for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 17.06.2015

Kvsn