

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.191 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.11 of 2015 from the file of the Senior Civil Judge, Medak District at Sangareddy and transfer the same to the file of the Judge, Family Court, Vijayawada for disposal in accordance with law.

2. The facts leading to filing of the present petition, in brief, are as follows:

The marriage of the petitioner was performed with the respondent on 10.08.2013 at Sri Venkateshwara Devasthanam, Beeramguda, Ramachandrapuram, Medak District as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent at Sangareddy to lead happy marital life. Thereafter, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house at Vijayawada from 01.01.2015. The respondent filed H.M.O.P.No.11 of 2015 on the file of the Senior Civil Judge, Medak District at Sangareddy for dissolution of marriage between him and the petitioner. Hence, the petition.

3. Heard the learned counsel for the petitioner.

4. The respondent having received the notice did not choose to appear before this Court. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

5. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 10.08.2013 at Sri Venkateshwara Devasthanam, Beeramguda, Ramachandrapuram, Medak District as per Hindu Rites and Caste Custom. The petitioner and the respondent lived together for a period of

1 ½ years after the marriage. For obvious reasons, disputes arose between the petitioner and the respondent. It appears that the petitioner has been residing at Vijayawada at the mercy of her mother since 01.01.2015. As rightly pointed out by the learned counsel for the petitioner, it may not be possible for the petitioner to travel 400 KM to attend the Court at Sangareddy without the assistance of some male person. While deciding this type of petitions, the Court has to take into

consideration the ground realities as well as the hardship likely to be caused to the wife.

6. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and Sumita Singh v. Kumar Sanjay and another, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the considered view that it is a fit case to transfer H.M.O.P.No.11 of 2015 from the file of the Senior Civil Judge, Medak District at Sangareddy to the file of the Judge, Family Court, Vijayawada.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.11 of 2015 is withdrawn from the file of the Senior Civil Judge, Medak District at Sangareddy and transferred to the file of the Judge, Family Court, Vijayawada for disposal in accordance with law. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 09.06.2015

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