

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.525 of 2013

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.55 of 2013 from the file of the Senior Civil Judge's Court, Nandigama, Krishna District and transfer the same to the file of the Family Court, Guntur for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner is a Government employee, and therefore, she has to face much difficulty to attend the Court at Nandigama. Learned counsel for the respondent, on the other hand, submitted that the petitioner has filed the present petition only with an intention to harass the respondent.

3. I have carefully perused the material available on record. It is an admitted fact that the marriage of the petitioner was performed with respondent on 05.8.2009 at Chintalapadu Village of Krishna District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. As per the allegations made in the affidavit accompanying the transfer petition, the respondent subjected the petitioner to cruelty. The petitioner lodged a complaint to the Station House Officer, Pattabhipuram Police Station, Guntur Urban, who in turn registered a case in crime No.389 of 2013 against the respondent and others for the offence punishable under Section 498-A read with 34 IPC. The respondent filed O.P. No.55 of 2013 against the petitioner on the file of Senior Civil Judge's Court, Nandigama, for dissolution of marriage between them.

4. Even as per the allegations made in the transfer petition, the respondent filed the present divorce O.P., while he was staying with the petitioner. This Court is not supposed to express any opinion touching the merits of the main case while deciding the cases of this nature. The fact remains that the petitioner hails from Guntur District. Even as per the averments made in O.P. No.55 of 2013, the petitioner has been working as a Typist in DM & HO Office, Guntur. It may not be possible for the petitioner being a Government employee to attend the Court at

Nandigama on each and every date of adjournment. While disposing of 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.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao, Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, 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 case cited supra, I am of the considered view that it is a fit case to transfer O.P. No.55 of 2013 from the file of the Senior Civil Judge's Court, Nandigama to the file of the Family Court, Guntur.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P.No.55 of 2013 is withdrawn from the file of the Senior Civil Judge's Court, Nandigama and transferred to the file of the Family Court, Guntur for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 11.06.2015.

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