

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.470 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.59 of 2015 from the file of the Additional Senior Civil Judge Court, Ongole, Prakasam District, and transfer the same to Principal Senior Civil Judge Court, Machilipatnam, Krishna District.

2. Heard both counsels and perused the affidavit filed in support of the petition and the counter filed by the respondent.

3. The marriage of the petitioner was performed with the respondent on 22.02.2008 in Ongole, Prakasam District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Learned counsel for the petitioner submitted that the petitioner filed maintenance case on the file of the II Additional Judicial Magistrate of First Class, Machilipatnam, seeking maintenance from the respondent. The respondent filed H.M.O.P.No.59 of 2015 on the file of the Additional Senior Civil Judge Court, Ongole, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Machilipatnam, Krishna District, due to misunderstandings between her and the respondent. Even as per the averments made in H.M.O.P.No.59 of 2015 also, the petitioner belongs to Machilipatnam. The petitioner may face some difficulty to travel from Machilipatnam to Ongole in order to prosecute H.M.O.P.No.59 of 2015. Invariably, the respondent has to attend the criminal Court at Machilipatnam in view of pendency of maintenance case. Learned counsel for the respondent submitted that the petitioner made false and frivolous allegations against the respondent herein. It is not uncommon to make allegations and counter allegations against each other in matrimonial cases. Therefore, this Court is not inclined to express any opinion with regard to the allegations and counter

allegations made by both parties in view of the scope of transfer petition. 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. H.M.O.P.No.59 of 2015 is withdrawn from the file of the Additional Senior Civil Judge Court, Ongole, Prakasam District, and transferred to the file of Principal Senior Civil Judge Court, Machilipatnam, Krishna 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.

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