

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Tr.C.M.P. No.346 of 2015

Between:

Smt. Chinnari @ Kosuru Vijaya Lakshmi

.. Petitioner

and

Chinnari Ravi Sankar

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether his Lordship wishes to Yes/No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.346 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.21 of 2015 from the file of the Senior Civil Judge, Sangareddy, Medak District and transfer the same to the file of the Judge, Family Court, Visakhapatnam, Visakhapatnam District to be tried along with F.C.O.P.No.557 of 2015 in accordance with law.

2. Heard the learned counsel for both the parties.

3. The marriage of the petitioner was performed with the respondent on 28.08.2005 at Thandrapaparayudu Kalyanamandapam, Visakhapatnam as per Hindu Rites and

Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with one daughter. Basing on the complaint lodged by the petitioner, the Station House Officer, Mahila Police Station, Visakhapatnam registered a case in Crime No.26 of 2015 against the respondent and others for the offence punishable under Section 498-A I.P.C. The petitioner filed F.C.O.P.No.557 of 2015 on the file of the Judge, Family Court, Visakhapatnam seeking maintenance from the respondent. The respondent filed O.P.No.21 of 2015 on the file of the Senior Civil Judge, Sangareddy, Medak District for dissolution of marriage between him and the petitioner. Due to various reasons, the petitioner has been residing at her parents' house at Visakhapatnam along with her six years old daughter. Filing of F.C.O.P.No.557 of 2015 indicates the financial status of the petitioner. The petitioner may face some difficulty to travel nearly 500 KM to prosecute O.P.No.21 of 2015. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings more particularly to the wife and children.

4. 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.

5. 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 relief sought by the petitioner deserves to be allowed.

6. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with on each and every date of adjournment in connection with O.P.No.21 of 2015.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.21 of 2015 is withdrawn from the file of the Senior Civil Judge, Sangareddy, Medak District and transferred to the file of the Judge, Family Court, Visakhapatnam, Visakhapatnam District to be tried along with F.C.O.P.No.557 of 2015 in accordance with law. The presence of the respondent (husband) in respect of O.P.No.21 of 2015 is hereby dispensed with on each and every date of adjournment before the Judge, Family Court, Visakhapatnam. However, he shall appear before the said Court as

and when his presence is so required. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 31.07.2015

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