

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.85 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.68 of 2014 from the file of the Senior Civil Judge, Narasapuram, West Godavari District and transfer the same to the Family Court, Rajahmundry, East Godavari District for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner filed H.M.O.P.No.8 of 2015 under Section 9 of Hindu Marriage Act for restitution of conjugal rights, is pending on the file of Family Court, Rajahmundry, therefore, O.P.No.68 of 2014 also may be transferred to Rajahmundry. Learned counsel for the respondent submitted that the petitioner filed petition with ulterior motive only to harass the respondent/husband.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 28.04.2007 at Kotipalli village, East Godavari District as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent at Palakollu to lead happy marital life. The petitioner has been residing at her parents' house at Kotipalli village, K.Gangavaram Mandal due to family disputes. The petitioner filed H.M.O.P.No.8 of 2015 on the file of the Family Court, Rajahmundry for restitution of conjugal rights. The respondent filed O.P.No.68 of 2014 on the file of the Senior Civil Judge, Narasapuram for dissolution of marriage between him and the petitioner.

4. The petitioner and the respondent made allegations and counter allegations against each other. It is not uncommon to make allegations and counter allegations against each other, more particularly, in matrimonial cases. While deciding the petition of this nature the Court shall not express any opinion with regard to the

allegations and counter allegations made by the parties to the proceedings. The Court has to confine itself to the inconvenience likely to be caused to the parties to the proceedings. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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 the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.68 of 2014 is withdrawn from the file of the Senior Civil Judge, Narasapuram, West Godavari District and transferred to Family Court, Rajahmundry, East Godavari District for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 17.06.2015.

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[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
[\[2\]](#) AIR 2002 SC 396
[\[3\]](#) 2001 (7) Supreme 96