

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.C.M.P.No.218 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.1 of 2015 pending on the file of the Court of the II Additional Senior Civil Judge, Nandyal of Kurnool District and transfer the same to the Family Court at Visakhapatnam.

2 Heard both sides and perused the material available on record.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 25.12.2012 at Visakhapatnam as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Visakhapatnam registered a case in Cr.No.55 of 2015 against the respondent for the offences punishable under Sections 498-A and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed O.P.No.1 of 2015 on the file of the Court of the II Additional Senior Civil Judge, Nandyal of Kurnool district to declare the marriage between the petitioner and the respondent as null and void.

4 The petitioner has been residing at Visakhapatnam at her parents' house due to disputes between her and

the respondent. Even as per the recitals of the O.P.No.1 of 2015, the petitioner has been working in Primary Health Centre, Government Hospital, Revidi, which is within the limits of Visakhapatnam. A perusal of the recitals of O.P. would disclose that the respondent has been working as an officer in Karnataka Bank Limited, Kadapa Branch, Kadapa. Admittedly, the petitioner is not residing within the territorial jurisdiction of Nandyal Court as on the date of filing of the O.P. Hence it may not be possible for the petitioner to travel all the way from Revidi to Nandyal for each and every adjournment.

5 While deciding the petitions of this nature, the Court has to take into consideration the convenience of the parties to the proceedings, more particularly, the convenience of the wife. If the O.P. is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the O.P. is transferred, the same may not cause any prejudice or hardship to the respondent.

6 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***^[1], ***Rachna Kanodia Vs. Anuk Kanodia***^[2], and ***V. Sailaja Vs. V. Koteswara Rao***^[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 cases cited supra, I am of the

considered view that the petitioner deserves the relief as sought for.

7 In the result, the petition is allowed and O.P.No.1 of 2015 pending on the file of the Court of the II Additional Senior Civil Judge, Nandyal of Kurnool District is withdrawn from the file of the said Court and the same is transferred to the Family Court, Visakhapatnam for trial and disposal in accordance with law. However, in view of the nature of employment of the respondent, his presence before the Family Court, Visakhapatnam in the said O.P. is dispensed with for each and every adjournment. But the respondent shall appear before the Family Court, Visakhapatnam as and when his presence is so required. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 20.07.2015

Kvsn

[\[1\]](#) AIR 2002 SC 396

[\[2\]](#) 2001 (7) Supreme 96

[\[3\]](#) AIR 2003 AP 178