

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P. No.531 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.616 of 2014 from the file of the Judge, Family Court-cum-V Additional District Judge Court at Visakhapatnam and transfer the same to the file of the III Additional Senior Civil Judge Court at Kakinada.

2. _____ Heard the learned counsel for both the parties and perused the material available on record.

3. _____ The marriage of the petitioner was performed with the respondent on 01.12.2009 at Rajahmundry, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a daughter on 28.09.2011. The respondent filed F.C.O.P.No.616 of 2014 on the file of the Judge, Family Court-cum-V Additional District Judge Court at Visakhapatnam seeking to dessolve the marriage between him and the petitioner.

4. _____ The petitioner has been residing at her parents' house in Kakinada along with her daughter. The distance between Kakinada and Visakhapatnam is around 200 kilometers. The petitioner may face some difficulty to travel from Kakinada to Visakhapatnam without the assistance of one of the male members of the family. 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.

5. _____ As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth ^[1], **Rachna Kanodia v. Anuk**

Kanodia^[2] and Sumita Singh v. Kumar Sanjay and another^[3]

the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.616 of 2014 is withdrawn from the file of the Judge, Family Court-cum-V Additional District Judge Court at Visakhapatnam and transferred to the file of the I Additional Senior Civil Judge Court at Kakinada for disposal in accordance with law. The I Additional Senior Civil Judge is hereby directed to dispose of the matter, as expeditiously as possible, preferably within a period of six (6) months after appearance of both parties. There shall be no order as to costs.

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

-

T.SUNIL CHOWDARY, J

Date: 28.10.2015

lvd

^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396