

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.221 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.11 of 2014 from the file of Family Court, Vijayawada, Krishna District and transfer the same to the Court of Additional Senior Civil Judge, Tenali, Guntur District for disposal in accordance with law.

2. Heard the learned counsel for the petitioner. In spite of service of notice, the respondent did not choose to appear before this court to oppose the petition. Hence, I am inclined to dispose of the matter on merits, in the absence of the respondent.

3. I have perused the material available on record. The marriage of the petitioner was performed with the respondent on 16.10.2011 at Dwaraka Tirumala, West Godavari District, as per the Hindu rites and caste customs. 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, Kollipara Police Station registered a case in Crime No.4 of 2014 against the respondent for the offence punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. The petitioner filed M.C. No.14 of 2014 on the file of II Additional Judicial Magistrate of First Class, Tenali seeking maintenance from the respondent. The petitioner also filed D.V.C. No.17 of 2014 on the file of II Additional Junior Civil Judge, Tenali against the respondent. The respondent filed O.P. No.11 of 2014 on the file of the Family Court, Vijayawada for dissolution of the marriage between him and the petitioner.

4. Even from the date of filing of O.P. No.11 of 2014, the petitioner has been residing at her parents' house at Chakrayapalem Village of Kollipara Mandal in Guntur District, which is within the jurisdiction of the Courts at Tenali. Invariably, the respondent has to attend the

courts at Tenali in view of the pendency of the M.C. and the D.V.C. 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 Miscellaneous Petition is allowed. O.P. No.11 of 2014 is withdrawn from the file of Family Court, Vijayawada, Krishna District and transferred to the Court of Additional Senior Civil Judge, Tenali, Guntur District, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.6.2015.

YS

^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96