

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

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Transfer C.M.P.No.250 of 2015

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Between:

Smt.Teeparthi Hari Priya

.. Petitioner

And

Teeparthi Dhana Ganesh

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE T. SUNIL
CHOWDARY**

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals
3. Whether Their Lordship wish to Yes/No
see the fair copy of the Judgment?

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.250 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw

O.P.No.264 of 2015 from the file of the Family Court, Vijayawada, Krishna District, and transfer the same to Additional Family Court, Visakhapatnam, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 13.02.2013 at Venugopala Swamy Temple, Duvva Village, Tanuku Mandal, West Godavari District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a son on 12.03.2014. The petitioner filed D.V.C.No.37 of 2014 and the same is pending on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam. The respondent is facing trial in C.C.No.366 of 2015 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam for the offences punishable under Section 498-A IPC and 3 and 4 of the Dowry Prohibition Act. The petitioner filed F.C.O.P.No.53 of 2015 against the respondent for refund of the dowry amount and the same is pending on the file of the Additional Family Court, Visakhapatnam. The petitioner filed F.C.O.P.No.55 of 2015 seeking maintenance from the respondent and the same is pending on the file of the Additional Family Court, Visakhapatnam.

4. The petitioner along with her son has been residing at Visakhapatnam since 2014 due to misunderstandings between her and the respondent. Invariably the respondent has to attend the Family Court and Criminal Court at Visakhapatnam in view of pendency of several cases as referred supra. The petitioner may face some difficulty to travel from Visakhapatnam to Vijayawada

along with her minor son without the assistance of one of the male members of the family. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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, the wife and the children.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.264 of 2015 is withdrawn from the file of the Family Court, Vijayawada, Krishna District, and transferred to the file of the Additional Family Court, Visakhapatnam, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

11.08.2015.

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

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

[\[3\]](#) AIR 2002 SC 396