

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

Tr.C.M.P.No.314 of 2015

Between:

Maruboyina Nagarajakumari,
W/o Maruboyina Kranthikumar ... Petitioner
and

Maruboyina Kranthikumar, S/o Narsareddy.
... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 13-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.314 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.01 of 2015 from the file of the Senior Civil Judge Court, Kandukur, Prakasam District and transfer the same to the Senior Civil Judge Court, Repalle, Guntur District or Tenali or Ponnur, Guntur District.

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

3. The marriage of the petitioner was performed with the respondent on 15.05.2014 at Varaha Lakshmi Narasimha Swamy Temple, Singarayakonda Village, Prakasam 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 the respondent were blessed with one daughter. The respondent filed H.M.O.P.No.01 of 2015 on the file of the Senior Civil Judge Court, Kandukur for restitution of conjugal rights.

4. The petitioner has been residing at her parents' house in Gullapalli village, Cherukupalli Mandal in Guntur District along with her minor daughter due to misunderstanding between her and the respondent.

5. At the time of arguments, both the counsel in one voice submitted that the respondent has been working as Assistant Finance Manager in Chennai. The petitioner may face much difficulty to travel from Gullapalli Village to Kandukur along with her minor daughter. Even if the matter is pending at Kandukur the respondent has to come all the way from Chennai to attend the Court at Kandukur. If the petition is dismissed, it may cause untold hardship to the petitioner and her minor daughter. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing of the

petitions of this nature, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the wife.

6. 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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.01 of 2015 is withdrawn from the file of the Senior Civil Judge Court, Kandukur, Prakasam District and transferred to the Senior Civil Judge Court, Tenali, Guntur District for trial and disposal in accordance with law. No costs.

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

T.SUNIL CHOWDARY, J.

Date: 13.08.2015.

Gv/

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

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96