

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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Tr.C.M.P.No.197 of 2015
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ORDER:

This petition is filed under Section 24 C.P.C to withdraw O.P.No.1 of 2015 from the file of Senior Civil Judge, Manthani, Karimnagar District, and transfer the same to Senior Civil Judge Court, Narsaraopet, Guntur District to try along with H.M.O.P.No.184 of 2014.

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

3. Marriage of the petitioner was performed with the respondent on 07.08.2005 at Narsaraopet, Guntur 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 a daughter.

4. Petitioner filed H.M.O.P.No.184 of 2014 on the file of Senior Civil Judge Court, Narsaraopet for dissolution of marriage between her and the respondent. Respondent filed O.P.No.1 of 2015 on the file of Senior Civil Judge Court, Manthani, for restitution of conjugal rights.

5. Petitioner has been residing at her parents' house in Narsaraopet along with her daughter. The distance between Manthani and Narsaraopet is around 450 km. The petitioner may face some difficulty to travel from Narsaraopet to Manthani in order to prosecute O.P.No.1 of 2015. Petitioner filed H.M.O.P.No.184 of 2014 seeking for dissolution of marriage with the respondent at the earliest point of time. The relief sought for in H.M.O.P.No.184 of 2014 is wider than the

relief sought for in O.P.No.1 of 2015. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties, more particularly the wife and the children.

6. 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.

7. 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 relief sought for by the petitioner deserves to be allowed.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.1 of 2015 is withdrawn from the file of Senior Civil Judge Court, Manthani, Karimnagar District and transferred the same to the file of Senior Civil Judge Court, Narsaraopet, Guntur District, to try along with H.M.O.P.No.184 of 2014.

Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

T.SUNIL CHOWDARY, J

AUGUST 21, 2015
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[3] AIR 2002 SC 396