

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P.No.483 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P. No.453 of 2015 from the file of the Family Court, Vijayawada and transfer the same to file of Senior Civil Judge Court, Kakinada, for trial and disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and oppose the transfer petition. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 11.8.2013 at Vijayawada as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C. No.38 of 2015 on the file of V Additional Judicial First Class Magistrate, Kakinada, seeking maintenance from the respondent. The respondent filed O.P. No.453 of 2015 on the file of Family Court, Vijayawada for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house at Kakinada due to misunderstandings between her and the respondent. As per the averments made in O.P. No.453 of 2015, the petitioner hails from Kakinada. The petitioner may face difficulty to travel from Kakinada to Vijayawada in order to prosecute O.P. No.453 of 2015. Invariably, the respondent has to attend the criminal court at Kakinada in view of pendency of M.C. No.38 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 to the wife.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1] and **Rachna Kanodia v. Anuk Kanodia**^[2], 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 cases cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer CMP is allowed. O.P. No.453 of 2015 is withdrawn from the file of Family Court, Vijayawada and transferred to the file of Principal Senior Civil Judge Court, Kakinada, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.9.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96