

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.C.M.P.No.413 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.480 of 2015 from the file of the Family Court, Visakhapatnam and transfer the same to the Senior Civil Judge Court, Pithapuram, East Godavari District for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 15.12.2013 at Annavaram, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P.No.480 of 2015 on the file of the Family Court, Visakhapatnam for annulment of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Pithapuram due to misunderstandings between her and the respondent. The distance between Pithapuram and Visakhapatnam is nearly 200 KMs. It may not be possible for the petitioner to attend the Family Court, Visakhapatnam on each and every date of adjournment without the assistance of one of the male members of the family. 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. 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.

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 Civil Miscellaneous Petition is allowed. O.P.No.480 of 2015 is withdrawn from the file of the Family Court, Visakhapatnam and transferred to the Senior Civil Judge Court, Pithapuram for trial and disposal in accordance with law. No costs.

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

T.SUNIL CHOWDARY, J.

Date: 24.08.2015.

GvI

[\[1\]](#) AIR 2002 SC 396

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