

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP No.440 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw H.M.O.P.No.41 of 2015 from the file of the Senior Civil Judge Court, Narasapur, West Godavari District and transfer the same to the Senior Civil Judge Court, Peddapuram, East Godavari District for disposal in accordance with law.

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

3 . The marriage of the petitioner was performed with the respondent on 13.02.2013 at Peddapuram, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint of the petitioner, the Station House Officer, Peddapuram registered a case in Crime No.33 of 2015 against the respondent and others for the offence punishable under Section 498-A of IPC and Section 3 & 4 of Dowry Prohibition Act. The respondent also facing trial in DVC No.123 of 2015 on the file of the Judicial First Class Magistrate Court, Peddapuram. The respondent filed H.M.O.P.No.41 of 2015 on the file of the Senior Civil Judge Court, Narasapur, West Godavari District for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house in Peddapuram due to matrimonial disputes. Even as per the averments made in HMOP No.41 of 2015, the parents of the petitioner belong to Peddapuram village. The distance between Peddapuram and Narasapur is around 200 KMs. The petitioner may face much difficulty to attend the Senior Civil Judge Court at Narasapur in order to defend HMOP No.41 of 2015. Invariably, the respondent has to attend the Judicial First Class Magistrate Court at Peddapuram in view of pendency of Crime No.33 of 2015 and DVC No.123 of 2015. 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 inconvenience likely to be caused to the parties to the proceedings, more particularly, to the wife.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay** and **Rachna Kanodia v. Anuk Kanodia**, 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, H.M.O.P.No.41 of 2015 is withdrawn from the file of the Senior Civil Judge Court, Narasapur, West Godavari District and transferred to the Senior Civil Judge Court, Peddapuram, East Godavari 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: 27.10.2015.

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