

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.46 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.1651 of 2014 from the file of the Additional Family Court, Visakhapatnam and transfer the same to the file of Senior Civil Judge Court, Peddapuram, East Godavari District for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that it is very difficult for the petitioner to attend the Additional Family Court at Visakhapatnam due to financial problem. Learned counsel for the respondent submitted that the petitioner filed the present petition with an ulterior motive to harass the respondent.

3. I have perused the material available on record. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 14.2.2014 at Rajahmundry, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Disputes arose between the parties to the proceedings within one year from the date of their marriage. The respondent filed FCOP No.1651 of 2014 on the file of the Additional Family Court, Visakhapatnam to declare the marriage between him and the petitioner as null and void. The petitioner has been residing at her parents' house at Peddapuram. The petitioner gave a complaint to the Station House Officer, Peddapuram, who in turn registered the same as a case in Crime No.387 of 2014 for the offences punishable under Sections 498-A and 506 read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act. While disposing of this type of petitions, 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 **V.Sailaja v V.Koteswara Rao, 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 case cited supra, I am of the considered view that it is a fit case to

transfer F.C.O.P. No.1651 of 2014 from the file of the Additional Family Court, Visakhapatnam to the file of the Senior Civil Judge Court, Peddapuram.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. F.C.O.P. No.1651 of 2014 is withdrawn from the file of the Additional Family Court, Visakhapatnam and transferred to the file of the Senior Civil Judge Court, Peddapuram, East Godavari District for disposal in accordance with law. As a sequel, miscellaneous petitions, if any filed in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 15.06.2015.

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