

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P. No.507 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.775 of 2015 from the file of the Family Court at Visakhapatnam and transfer the same to the file of the Senior Civil Judge Court, Narsapuram, West Godavari District.

2. _____ Heard the learned counsel for both the parties and perused the material available on record.

3. _____ The marriage of the petitioner was performed with the respondent on 16.10.2010 at Palakollu, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a son. The petitioner filed M.C.No.19 of 2015 on the file of the Additional Judicial First Class Magistrate Court, Palakollu claiming maintenance from the respondent. The respondent filed F.C.O.P.No.775 of 2015 on the file of the Family Court at Visakhapatnam for restitution of conjugal rights.

4. _____ The petitioner has been residing at her parents' house in Palakollu along with her son. The distance between Palakollu and Visakhapatnam is around 400 kilometers. Filing of the Maintenance Case by the petitioner indicates her financial status. The petitioner may face some difficulty to travel from Palakollu to Visakhapatnam along with her son in order to prosecute F.C.O.P.No.775 of 2015. Invariably, the respondent has to attend the Additional Judicial First Class Magistrate Court, Palakollu in view of pendency of M.C.No.19 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 to the proceedings, more particularly, to the wife.

5. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk**
Kanodia^[2] and **Sumita Singh v. Kumar Sanjay and another**^[3],
the paramount consideration, in transfer of matrimonial cases, is the
convenience of the wife.

6. 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 deserves to be allowed.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.775 of 2015 is withdrawn from the file of the Family Court at Visakhapatnam and transferred to the file of the Senior Civil Judge Court, Narsapuram, West Godavari District for disposal in accordance with law. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 28.10.2015

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^[1] 2013 (6) ALT 42 (SC)

^[2] 2001 (7) Supreme 96

^[3] AIR 2002 SC 396