

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.270 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.1500 of 2014 from the file of the V Additional District Judge-cum-Family Court, at Visakhapatnam, and transfer the same to any Court at Kakinada, East Godavari District.

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

3. The marriage of the petitioner was performed with the respondent on 06.06.1991 in Kakinada, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed F.C.O.P.No.1500 of 2014 on the file of the Family Court-cum-V Additional District Court, Visakhapatnam for dissolution of marriage between him and the petitioner. The complaint lodged by the petitioner under Domestic Violence Act before the Project Officer, at Visakhapatnam was transferred to Kakinada.

4. The distance between Kakinada and Visakhapatnam is around 350 kilometers. The petitioners parents are no more. The brothers and sisters of the petitioner are residing at different places. The petitioner may face some difficulty to travel from Kakinada to Visakhapatnam in order to prosecute F.C.O.P.No.1500 of 2014. 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, the wife.

5. As per the principle enunciated in **Sumita Singh v. Kumar Sanjay**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2] and **V.Sailaja v**

V.Koteswara Rao^[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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1500 of 2014 is withdrawn from the file of the V Additional District Judge-cum-Family Court, Visakhapatnam, and transferred to the file of I Additional Senior Civil Judge Court, Kakinada, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

02.09.2015.

Rns

^[1] AIR 2002 SC 396

^[2] 2001(7) Supreme 96

^[3] AIR 2003 AP 178 : 2003 (1) ALD 673 : 2003 (1) APLJ 441