

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.230 of 2015

ORDER:

This petition is filed under Section 24 of CPC to withdraw F.C.O.P.No.36 of 2015 from the file of the Family Court, Anantapuram, and transfer the same to the Family Court, Tirupati or any other competent Court at Tirupati for disposal in accordance with law.

2. In spite of paper publication, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to dispose of the matter on merits in the absence of the respondent.

3. Heard the learned counsel for the petitioner and perused the material available on record.

4. The marriage of the petitioner was performed with the respondent on 09.04.2010 at Sri Satyanarayana Swamy temple, Annavaram, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a daughter. The respondent filed F.C.O.P.No.36 of 2015 on the file of the Family Court, Anantapuram for restitution of conjugal rights.

5. The petitioner has been residing at her parents' house in Tirupati along with her daughter. Even as per the averments made in FCOP No.36 of 2015, the petitioner hails from Tirupati. The distance between Tirupati and Anantapuram is around 200 KMs. The petitioner may face much difficulty to travel from Tirupati to Anantapuram along with her daughter in order to defend FCOP No.36 of 2015. If the petition is dismissed, it may cause untold hardship to the petitioner and her daughter. 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.

6. 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.

7. Accordingly, F.C.O.P.No.36 of 2015 is withdrawn from the file of the Family Court, Anantapuram, and transferred to the Family Court, Tirupati for trial and disposal in accordance with law.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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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96