

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

* * * *

Transfer C.M.P.No.246 of 2015

—

—

Between:

Gosti Yamini Tulasi

.. Petitioner

And

Gosti Ramakrishna Reddy

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 17.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.246 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.56 of 2015 from the file of the Family Court, Ranga Reddy District, at L.B.Nagar, and transfer the same to the Family Court,

Vijayawada.

2. When the notice sent to the respondent, the same was returned with an endorsement 'rejected'. At this juncture, learned counsel for the petitioner has drawn my attention to the decision in ***K.SAJJAN RAJ v. GOPI SETTY CHANDRA MOULI***^[1]. Relevant portion of Para-11 reads as follows:

“It is an admitted case that the notices were sent to the correct address of the defendant. Therefore, the finding of the lower Court, that when a notice has been sent to the correct address of a party and when the same has been returned 'as not claimed', the same amounts to service of notice, need not be disturbed.”

In the instant case, the notice was sent to the correct address of the respondent, who in turn rejected to receive the same.

3. 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 the notice was served on the respondent. Heard the learned counsel for the petitioner and perused the material available on record. I am inclined to dispose of the matter on merits in the absence of the respondent.

4. The marriage of the petitioner was performed with the respondent at Kanaka Durga Temple, Vijayawada, Krishna District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner filed M.C.No.76 of 2015 on the file of the Family Court, Vijayawada against the respondent seeking maintenance. The respondent filed O.P.No.56 of 2015 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar, for restitution of conjugal rights.

5. The petitioner has been residing at her parents house at Vijayawada due to misunderstandings between her and the

respondent. The distance between Hyderabad and Vijayawada is around 250 kilometers. The petitioner may face some difficulty to travel from Hyderabad to Vijayawada in order to prosecute O.P.No.56 of 2015. Invariably, the respondent has to attend the Family Court, Vijayawada, in view of pendency of M.C.No.76 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, the wife.

6. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[2], **Rachna Kanodia v. Anuk Kanodia**^[3], and **Sumita Singh v. Kumar Sanjay**^[4], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.56 of 2015 is withdrawn from the file of the Family Court, Ranga Reddy District, at L.B.Nagar and transferred to the Family Court, Vijayawada, Krishna District. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

17.08.2015.

Rns

[\[1\]](#) 2011(4) ALD 96

[\[2\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

[\[3\]](#) 2001(7) Supreme 96

[\[4\]](#) AIR 2002 SC 396