

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.439 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.817 of 2015 from the file of the Additional Family Court, Visakhapatnam, and transfer the same to the Family Court, at Rajahmundry, East Godavari District.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Hence, I am inclined to dispose of the matter on merits in the absence of the respondent.

3. The marriage of the petitioner was performed with the respondent on 19.10.2012 at Kolamuru, Rajahmundry, 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.872 of 2015 on the file of the Family Court, Visakhapatnam, for restitution of conjugal rights. The petitioner filed M.C.No.39 of 2015 on the file of the IV Additional Junior Civil Judge, Rajahmundry, seeking maintenance from the respondent.

4. The petitioner has been residing at her parents house in Rajahmundry due to disputes between her and the respondent. The distance between Visakhapatnam and Rajahmundry is around 250 kilometers. The petitioner may face some difficulty to attend Family Court, at Visakhapatnam in order to prosecute F.C.O.P.No.817 of 2015. Invariably, the respondent has to attend the IV Additional Junior Civil Judge Court, Rajahmundry in view of pendency of M.C.No.39 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 and children.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Rachna Kanodia v. Anuk Kanodia**^[2], and **Sumita Singh v. Kumar Sanjay**^[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 F.C.O.P.No.817 of 2015 is withdrawn from the file of the Additional Family Court, Visakhapatnam, and transferred to Family Court, Rajahmundry, East Godavari District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

26.08.2015.

Rns

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

[\[2\]](#) 2001(7) Supreme 96

[\[3\]](#) AIR 2002 SC 396