

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.396 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.427 of 2014 from the file of the Family Court, Vijayawada, and transfer the same to Family Court, Kakinada.

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

3. The marriage of the petitioner was performed with the respondent on 29.08.2010 at Kakinada, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed O.P.No.427 of 2014 on the file of the Family Court, Vijayawada, for dissolution of marriage between him and the petitioner.

4. The petitioner has been residing at her parents house in Kakinada due to misunderstandings between her and the respondent. The distance between Kakinada and Vijayawada is around 200 kilometers. The petitioner may face some difficulty to travel 200 kilometers without the assistance of one of the male members of the family in order to prosecute O.P.No.427 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 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. There is no family Court in Kakinada.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.427 of 2014 is withdrawn from the file of the Family Court, Vijayawada, and transferred to Principal Senior Civil Judge Court, Kakinada, for disposal in accordance with law.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