

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

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Transfer C.M.P.No.319 of 2015

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Between:

Mulagada Sridevi

.. Petitioner

And

Mulagada Purnachandra Rao

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

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 Yes/No
marked to Law Reporters/Journals
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.319 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw
M.O.P.No.4 of 2015 from the file of the Senior Civil Judge, Sompeta,

and transfer the same to Additional Family Court, at Visakhapatnam, for disposal in accordance with law.

2. Heard both counsels and perused the affidavit filed in support of the petition and the counter filed by the respondent.

3. The marriage of the petitioner was performed with the respondent on 27.11.2011 at Visakhapatnam, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint given by the petitioner, the Station House Officer, I Town Police Station, Visakhapatnam, registered a case in Crime No.170 of 2012 for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act against the respondent and others. The petitioner filed F.C.O.P.No.133 of 2013 against the respondent seeking maintenance and the same is pending on the file of the Additional Family Court, Visakhapatnam. The respondent filed M.O.P.No.4 of 2015 on the file of the Senior Civil Judge, Sompeta for dissolution of marriage between him and the petitioner. The petitioner filed M.O.P.No.47 of 2012 under Section 9 of CPC against the respondent and the same was allowed on 27.08.2014.

4. The petitioner has been residing at her parents house at Visakhapatnam due to misunderstandings between her and the respondent. The distance between Sompeta and Visakhapatnam is nearly 280 kilometers. It may not be possible for the petitioner to travel 280 kilometers without the assistance of one of the male members of the family in order to prosecute M.O.P.No.4 of 2015. The respondent has to attend the Family Court at Visakhapatnam in view of pendency of the cases between the petitioner and him. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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 the 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. Learned counsel for the respondent submitted that the respondent may face some difficulty to attend the Additional Family Court, at Visakhapatnam, on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. M.O.P.No.4 of 2015 is withdrawn from the file of the Senior Civil Judge, Sompeta, and transferred to the file of the Additional Family Court, at Visakhapatnam, for disposal in accordance with law. The presence of the respondent/husband before the Additional Family Court, Visakhapatnam in connection with M.O.P.No.4 of 2015, on each and every date of adjournment, is hereby dispensed with. However, he shall appear before the Additional Family Court, Visakhapatnam, as and when his presence is so required. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

11.08.2015.

Rns

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

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

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