

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.326 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.689 of 2015 from the file of the Additional Family Court, Visakhapatnam and transfer the same to the Family Court, Nalgonda.

2. Heard both counsel and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 25.08.2013 at B.V. Reddy Gardens Function Hall, Cherlapalli, Nalgonda District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Halia (Alwal) registered a case in Crime No.55 of 2015 for the offence punishable under Section 498-A of IPC and Sections 3 & 4 of Dowry Prohibition Act. The respondent is facing trial in DVC No.28 of 2015 on the file of the Special Mobile Magistrate Court at Nalgonda. The respondent filed O.P. No.689 of 2015 on the file of the Additional Family Court, Visakhapatnam for dissolution of the marriage between him and the petitioner._

4. Due to disputes, the petitioner has been residing at her parents' house at Nalgonda. A perusal of the record reveals that the respondent is a native of Ramireddypet, Narasaraopet of Guntur District. The fact remains that the respondent hails from Guntur District. It appears that the respondent has been residing at Visakhapatnam because of his profession. The distance between Visakhapatnam and Nalgonda is nearly 650 KMs. It is not the case of the respondent that the petitioner is having sufficient means. It may not be possible for the petitioner to travel from Nalgonda to Visakhapatnam without the assistance of some male member of the

family. Invariably, the respondent has to attend the Criminal Courts at Nalgonda in view of pendency of Crime No.55 of 2015 and DVC No.28 of 2015. If the petition is dismissed, it may cause untold hardship to the petitioner. 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 ground realities as well as the hardship likely to be caused to the wife.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], 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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. As rightly pointed out by the learned counsel for the respondent it may not be possible for the respondent to attend the Family Court at Nalgonda in O.P.No.689 of 2015 on each and every date of adjournment in view of his professional activities. Even if the presence of the respondent is dispensed with no prejudice would be caused to the petitioner.

7. For these reasons, O.P.No.689 of 2015 is withdrawn from the file of the Additional Family Court, Visakhapatnam and transferred to the Family Court, Nalgonda. The Family Court, Nalgonda is hereby directed to dispense with the presence of respondent/husband for each and every date of adjournment. However, the respondent shall appear as and when the Court feels that his presence is so required.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 20.07.2015.

Gv/

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

[\[2\]](#) AIR 2002 SC 396

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