

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.152 of 2013

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.13 of 2013 from the file of the Senior Civil Judge, Vizianagaram and transfer the same to the file of the Judge, Family Court, Visakhapatnam for disposal in accordance with law.

2. The facts leading to filing of the present petition, in brief, are as follows:

The marriage of the petitioner was performed with the respondent on 13.02.2004 at Gajuwaka as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of the lawful wedlock, the petitioner and the respondent were blessed with a son. For one reason or other, disputes arose between the petitioner and the respondent. Even as per the averments in the divorce petition, the petitioner has been residing at Gajuwaka, Visakhapatnam Town and she has been working as Associate Professor, NIST, Visakhapatnam. The respondent filed H.M.O.P.No.13 of 2013 on the file of the Senior Civil Judge, Vizianagaram for dissolution of marriage between him and the petitioner. Hence, the petition.

3. Learned counsel for the petitioner submitted that the petitioner, being a lady, is not in a position to attend the Court at Vizianagaram.

4. Learned counsel for the respondent submitted that the petitioner filed the present petition with false allegations.

5. I have carefully perused the material available on record. It is an admitted fact that the marriage of the petitioner was performed with the respondent on 13.02.2004 at Gajuwaka as per Hindu Rites and Caste Custom. Out of the lawful wedlock, the petitioner and the respondent were blessed with a son. The petitioner has been residing at Gajuwaka, Visakhapatnam Town. As per the averments in H.M.O.P.No.13 of 2013, the petitioner has been working as Associate Professor, NIST, Visakhapatnam. While deciding this type of petitions, the Court has to take into consideration the ground realities as well as the inconvenience likely to be caused to the wife.

6. As per the principle enunciated in **T.Gayatri Devi v.**

Dr. Tallepaneni Sreekanth, Rachna Kanodia v. Anuk Kanodia and **Sumita Singh v. Kumar Sanjay and another**, 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 the relief sought by the petitioner deserves to be allowed.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.13 of 2013 is withdrawn from the file of the Senior Civil Judge, Vizianagaram and transferred to the file of the Judge, Family Court, Visakhapatnam for disposal in accordance with law. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 11.06.2015

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