

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.352 of 2013

ORDER:

This petition is filed under Section 24 of CPC to withdraw D.O.P.No.796 of 2012 from the file of the Family Court, Vijayawada, Krishna District and transfer the same to the Family Court, Guntur for disposal in accordance with law.

2. In spite of paper publication, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to dispose of the matter on merits in the absence of the respondent.

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

4. The marriage of the petitioner was officiated with the respondent on 06.06.2009 in C.S.I.St Peter's Church at Vijayawada as per Christian rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with two children. The petitioner filed MC No.3 of 2013 on the file of the Additional Junior Civil Judge-cum-Judicial First Class Magistrate Court, Bapatla, claiming maintenance from the respondent. The respondent is also facing trial in C.C.No.232 of 2012 and DVC No.2 of 2013 on the file of the Judicial First Class Magistrate Court, Bapatla. The respondent filed D.O.P.No.796 of 2012 on the file of the Family Court, Vijayawada for dissolution of marriage between him and the petitioner.

5. The petitioner has been residing at her parents' house in Bapatla along with her children due to misunderstandings between her and the respondent. It may not be possible for the petitioner to

travel from Bapatla to Vijayawada in order to defend DOP No.796 of 2012. If the petition is dismissed, it may cause untold hardship to the petitioner and her children. 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 inconvenience likely to be caused to the parties to the proceedings, more particularly, to the wife.

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

7. Accordingly, D.O.P.No.796 of 2012 is withdrawn from the file of the Family Court, Vijayawada, Krishna District and transferred to the Family Court, Guntur for trial and disposal in accordance with law. No costs.

As a sequel, miscellaneous petitions, if any pending in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 27.10.2015.

Gv/

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96

