

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No. 306 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.145 of 2014 from the file of the Principal Senior Civil Judge court, Gudivada and transfer the same to the Senior Civil Judge Court, Mangalagiri, Guntur District.

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

3. The marriage of the petitioner was performed with the respondent on 03.02.2011 at Pamarru of Krishna District, as per Hindu 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 daughters aged about 3 years and 1 ½ years respectively. The respondent filed O.P.No.145 of 2014 on the file of the Principal Senior Civil Judge Court, Gudivada for dissolution of marriage between him and the petitioner.

5. Due to obvious reasons, the petitioner has been residing at her parents' house near Mangalagiri. It may not be possible for the petitioner to travel from Mangalagiri to Gudivada along with her two minor children. This Court is not inclined to express any opinion with regard to the allegations made in O.P.No.145 of 2014. While deciding the petitions of this nature, the Court has to taken into consideration the inconvenience likely to be caused to the parties more particularly in matrimonial cases. 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 ground realities as well as the hardship likely to be caused to the wife.

6. 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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.145 of 2014 is withdrawn from the file of the Principal Senior Civil Judge Court, Gudivada, Krishna District and transferred to the Senior Civil Judge Court, Mangalagiri, Guntur District for trial and disposal in accordance with law. The Senior Civil Judge, Mangalagiri is hereby directed to dispose of O.P.No.145 of 2014, as expeditiously, as possible, preferably, within a period of six (06) months from the date of receipt of a copy of this order. No costs.

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

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T.SUNIL CHOWDARY, J.

Date: 17.07.2015.

Gv/

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

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96