

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.49 of 2015

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw H.MO.P.No.179 of 2014 pending on the file of Additional Senior Civil Judge, Eluru of West Godavari District and transfer the same to Family Court, R.R. District at L.B.Nagar.

2 The learned counsel for the petitioner submitted that the respondent has filed the divorce O.P. with an intention to harass the petitioner.

3 On the other hand, Smt. N.Revati, the learned counsel for the respondent vehemently submitted that the petitioner filed the present petition with an ulterior motive to drag on the HMOP NO.179 of 2014 as long as possible.

4. I have carefully perused the material available on record. It is admitted that the marriage of the petitioner was performed with the respondent on 09.10.2009 as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. Out of lawful wedlock, they were blessed with a son. Due to one reason or the other, disputes arose between the petitioner and the respondent. Initially, the respondent filed HMOP No.11 of 2012 for restitution of conjugal rights and the same was allowed on 12.11.2014. Thereafter, the respondent filed O.P.No.179 of 2014 on the file of Additional Senior Civil Judge, Eluru in West Godavari District for dissolution of marriage between him and the petitioner, on 18.12.2014.

5. The material available on record clinchingly establishes that the respondent herein has been filing cases one after the other. A perusal of the record reveals that the petitioner has been working in ICICI Bank in Kondapur Branch at Hyderabad. In that view of the matter, it may not be possible for the petitioner to attend the Court at Eluru for each and every adjournment without obtaining permission

from her higher officials that too along with her son and without any male assistance.

6. The Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings. If the HMOP No.179 of 2014 is not transferred, it will certainly cause untold hardship and inconvenience to the petitioner. Even if the petition is transferred, the same may not cause any prejudice to the respondent.

7 As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay, Rachna Kanodia Vs. Anuk Kanodia**, and **V. Sailaja Vs. V. Koteswara Rao**, 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 petitioner deserves the relief as sought for.

8 In the result, the petition is allowed and the H.M.O.P.No.179 of 2014 pending on the file of Additional Senior Civil Judge, Eluru of West Godavari District is withdrawn from the file of the said Court and the same is transferred to the to the Family Court, R.R. District at L.B.Nagar for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 15.06.2015

Kvsn