

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Tr.C.M.P. No.355 of 2015

Between:

Naga Haritha

.. Petitioner

and

Kondagari Kishore

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | No |
| 3. Whether his Lordship wishes to
see the fair copy of the Judgment? | No |

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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.355 of 2015

ORDER:

_____ This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.18 of 2015 from the file of the Principal Senior Civil Judge, Puttur and transfer the same to the file of the Judge, Family Court, Vijayawada or any other Court in Vijayawada for disposal in accordance with law.

2. _____ Heard the learned counsel for both the parties and perused the affidavit filed in support of the petition, and the counter filed by the respondent.

3. _____ The marriage of the petitioner was performed with the respondent on 01.03.2015 at Hotel Fortune Murali Park, M.G.Road, Vijayawada as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The respondent filed H.M.O.P.No.18 of 2015 on the file of the Principal Senior Civil Judge, Puttur for annulment of marriage between him and the petitioner.

4. _____ Unfortunately, bad weather prevailed in the family life of the petitioner and the respondent within short time after marriage. The petitioner has been residing at her parents' house at Vijayawada. The distance between Vijayawada and Puttur is around 400 KM. The petitioner may face much difficulty to travel 400 KM in order to prosecute H.M.O.P.No.18 of 2015 at Puttur. At the time of arguments, the learned counsel for the respondent submitted that the respondent has been working as Software Engineer in Bangalore. While deciding 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 and children.

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

Dr. Tallepaneni Sreekanth^[1], **Rachna Kanodia v. Anuk**
Kanodia^[2] and **Sumita Singh v. Kumar Sanjay and another**^[3],

the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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.

7. 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 Vijayawada on each and every date of adjournment in view of his nature of employment as well as the distance between Bangalore and Vijayawada. Even if the presence of the respondent is dispensed with, no prejudice will be caused to the petitioner.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.18 of 2015 is withdrawn from the file of the Principal Senior Civil Judge, Puttur and transferred to the file of the Judge, Family Court, Vijayawada for disposal in accordance with law. The presence of the respondent (husband) in connection with H.M.O.P.No.18 of 2015 is hereby dispensed with on each and every date of adjournment before the Judge, Family Court, Vijayawada. However, he shall appear before the said Court as and when his presence is so required. There shall be no order as to costs.

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

Date: 14.08.2015

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- [\[1\]](#) 2013 (6) ALT 42 (SC)
[\[2\]](#) 2001 (7) Supreme 96
[\[3\]](#) AIR 2002 SC 396