

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
TR.CMP No.71 of 2015

ORDER:

This petition is filed under Section 24 of C.P.C to withdraw O.P.No.58 of 2014 from the file of the Principal Senior Civil Judge, Gudivada, Krishna District and transfer the same to the Family Court at Hyderabad for disposal in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner is not in a position to go to Gudivada due to financial problem. If the matter is not transferred, it may cause untold hardship to the petitioner. Learned counsel for the respondent submitted that if the matter is transferred, it may cause untold hardship to the respondent.

3. A perusal of the record reveals that the marriage of the petitioner with the respondent was performed on 27.02.2009 at Hyderabad as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent at Hyderabad to lead happy marital life. The petitioner has been residing at Hyderabad from October, 2012 because of family disputes. The petitioner filed MC No.82 of 2015 on the file of the Family Court, Hyderabad seeking maintenance from the respondent. The petitioner also filed O.P.No.235 of 2015 on the file of the Family Court, Hyderabad against the respondent for restitution of conjugal rights. The respondent filed O.P. No.58 of 2014 on the file of Senior Civil Judge, Gudivada for dissolution of marriage between him and the petitioner.

4. A perusal of the record reveals that the respondent has been working as Government teacher in Gudivada. The petitioner is a house wife. It is not the case of the respondent that the petitioner is having sufficient means to come all the way from Hyderabad to Gudivada to prosecute her case. The respondent has to attend the Family Court, Hyderabad in view of pendency of M.C.No.82 of 2015

and O.P.No.235 of 2015. It may not be possible for the petitioner to travel from Hyderabad to Gudivada without help of some male member. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing 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.

5. 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.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.58 of 2014 is withdrawn from the file of the Senior Civil Judge, Gudivada, Krishna District and transferred to Family Court, Hyderabad for trial and disposal in accordance with law. The Family Court, Hyderabad is hereby directed to dispense with the presence of respondent/husband for each and every date of adjournment. However, respondent/husband shall appear as and when the Court feels that his presence is so required. 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: 17.06.2015.

Gv/

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[\[1\]](#) AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441
[\[2\]](#) AIR 2002 SC 396
[\[3\]](#) 2001 (7) Supreme 96