

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.539 of 2014

ORDER:

This petition is filed under Section 24 CPC to withdraw O.P. No.54 of 2014 from the Court of Senior Civil Judge, Ramachandra Puram, East Godavari District and transfer the same to the file of Family Court, Guntur, for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 22.1.2010 at Ramachandrapuram, East Godavari District, as per the Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Nallapadu Police Station, Guntur District registered a case in Crime No.387 of 2013 for the offence punishable under Section 498-A IPC against the respondent and other family members. After completion of investigation, the Investigating Officer laid the charge sheet against the respondent only. The respondent filed O.P. No.54 of 2014 on the file of Senior Civil Judge Court, Ramachandra Puram, East Godavari District, for dissolution of the marriage between him and the petitioner.

4. For one reason or the other, bad weather prevailed in the family life of the petitioner and the respondent. The petitioner has been residing at her parents' house at Mangalagiri, Guntur District. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and defend the case at Ramachandrapuram. Invariably, the respondent has to visit Guntur in connection with criminal case. 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.

5. 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 case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. O.P. No.54 of 2014 is withdrawn from the Court of Senior Civil Judge, Ramachandrapuram East Godavari District and transferred to the file of Family Court, Guntur, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 24.6.2015.

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^[1] AIR 2002 SC 396

^[2] 2001 (7) Supreme 96