

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFAER C.M.P.NO.633 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner-wife against the respondent-husband, for transfer of F.C.O.P.No.640 of 2015, pending on the file of the Judge, Family Court, City Civil Court, Secunderabad to the file of the Judge, Family Court, Visakhapatnam.

The respondent-husband filed the said F.C.O.P.No.640 of 2015 against the petitioner, for dissolution of marriage. The case of the petitioner is that her marriage with the respondent took place on 12.12.2009 at Andhra Medical College Old Students Association, Visakhapatnam as per Hindu customs and rites. The marriage was consummated and they were blessed with a baby girl. Thereafter, some disputes arose between the petitioner and the respondent. The petitioner along with her daughter is residing at her parents' house at Visakhapatnam. Initially, the respondent filed the said O.P. for restitution of conjugal rights and thereafter converted the same into dissolution of marriage. It is also the case of the petitioner that it is difficult for her to contest the said O.P. at

Secunderabad, since the distance from Visakhapatnam to Secunderabad is nearly 700 kms. Hence, the petitioner sought for transfer of O.P.No.640 of 2015 from the file of Judge, Family Court, at City Civil Court, Secunderabad to the file of Family Court at Visakhapatnam.

In the counter affidavit filed by the respondent it is stated that the petitioner discarded the respondent from the year 2012 and since both of them lastly resided at Secunderabad, within the jurisdiction of the Family Court, Secunderabad, the present O.P. is filed by the respondent at Secunderabad. It is also stated that in spite of several conciliation efforts that have taken place at Secunderabad, the petitioner did not join with him. It is also stated that except their marriage being performed and solemnized at Visakhapatnam, there is no other incident happened at Visakhapatnam and the rest of the matrimonial incidents have occurred during their matrimonial life in Secunderabad and sought for dismissal of the Transfer C.M.P.

Heard the learned counsel for the petitioner. It is stated by the learned counsel for the petitioner that in a suit filed by the husband against wife, the convenience of the wife has to be taken into consideration regarding transfer of matters.

On the other hand, the learned counsel for the respondent

opposed the same and submits that it is very difficult for the respondent to go to Visakhapatnam from Secunderabad. In support of his case, the learned counsel relied on a decision of this court reported in MRS.SNEHALATHA VS. DR.S.RAMAKRISHNA REDDY^[1] & SHRIRAM INVESTMENTS LIMITED, BOARD OF SECONDARY EDUCATION, MANIPUR VS. C.W.LEIYACHAN AND OTHERS^[2]

In this case it has to be seen that the petitioner has a child about four years and the said fact is not disputed by the respondent. The petitioner also states that she is jobless and she is living with her parents at Visakhapatnam. Further, the marriage has taken place at Visakhapatnam and the distance from Visakhapatnam to Secunderabad is 700 kms and it is very difficult for the petitioner to travel all the way from Visakhapatnam to Secunderabad along with her daughter and more so, she is jobless. The Apex Court in SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER^[3] held that in a suit filed by the husband, wife's convenience must be looked into.

The learned counsel for the respondent submits that the presence of the respondent may be dispensed with for each and every adjournment, except on the dates of cross-

examination.

In view of the above facts and circumstances of the case and in view of the decision rendered by the Apex Court, the Transfer C.M.P. has to be allowed, transferring O.P.No.640 of 2015 from the file of Family Court, City Civil Court, Secunderabad, to the file of the Family Court at Visakhapatnam and the Family Court is to dispense with the presence of the respondent on each and every adjournment, except on dates of conciliation and for cross examination.

The Transfer C.M.P. is accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.30.11.2015
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[\[1\]](#)) 2002 (1) ANWR 82

[\[2\]](#)) 2002 (1) ANWR 49

[\[3\]](#)) 2001 (10) SCC 41.