

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.59 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.324 of 2016 from the file of the Court of the III Senior Civil Judge, Kakinada, and transfer the same to the file of the Family Court at Khammam.

2. In spite of service of notice, the respondent did not choose to appear and contest the petition. Hence, this Court is inclined to dispose of the matter on merits.

3. Heard the learned counsel for the petitioner and perused the material available on record.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 07.08.2016 at Annavaram Devasthanam, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house. While things stood thus, the respondent filed O.P.No.324 of 2016 on the file of the Court of the III Senior Civil Judge, Kakinada, under Section 12(1)(C) of the Hindu Marriage Act, 1955, against the petitioner for annulment of marriage between them. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, Khammam, registered a case in Crime No.95 of 2016 against the respondent.

5. The distance between Khammam and Kakinada is 260 K.M. Even as per the averments made in the petition, the petitioner has been residing in Khammam. In view of nature of employment, it may not be possible for the petitioner to travel from Khammam to Kakinada in order to prosecute O.P.No.324 of 2016. Invariably, the respondent has to attend the Criminal Court at Khammam, in view of pendency of Crime No.95 of 2016. 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.

6. As per the principle enunciated in **T.Gayatri Devi v. Dr. Tallepaneni Sreekanth¹, Rachna Kanodia v. Anuk Kanodia²** and **Sumita Singh v. Kumar Sanjay and another³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.324 of 2016 is withdrawn from the file of the Court of the III Senior Civil Judge, Kakinada, and transferred to the file of the Family Court at Khammam for disposal in accordance with law. There shall be no order as to costs.

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

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

T.SUNIL CHOWDARY, J

Date: 10.04.2017
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