

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.72 of 2017

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw OP No.866 of 2016 from the file of the IV Additional District Judge-cum-Family Court, Krishna District at Vijayawada and transfer the same to the Court of Senior Civil Judge, Kothagudem, Khammam District.

2 In spite of service of notice, the respondent did not choose to appear and oppose this petition. Heard the learned counsel for the petitioner.

3 The facts leading to filing of the present petition are as follows:

The marriage of the petitioner with the respondent was performed on 09.04.2008 at Jawaharnagar, Hyderabad as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a daughter, who is now aged about 8 years. Due to various reasons, disputes arose between the petitioner and the respondent, because of which, now the petitioner is residing at her parents house in Kothagudem along with her daughter. While the things stood thus, the respondent filed OP No.866 of 2016 against the petitioner on the file of the IV Additional

District Judge-cum-Family Court, Krishna District at Vijayawada under Section 9 of the Hindu Marriage Act.

4 A perusal of the record reveals that the petitioner is working as Assistant Engineer in NTPC at Kothagudem. It is also clear from the record that the daughter of the petitioner and respondent is studying in Kothagudem. It may not be possible for the petitioner to travel all the way from Kothagudem to Vijayawada along with her daughter without support of a male member. Further, the petitioner may also face some difficulty to obtain leaves.

5 While deciding cases of this nature, this Court has to take into consideration the inconvenience that is likely to be caused to the parties, more particularly, to the wife and children. For one reason or the other, the respondent did not choose to appear and contest this petition.

6 As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay**¹, **Rachna Kanodia Vs. Anuk Kanodia**², and **V. Sailaja Vs. V. Koteswara Rao**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 cases cited supra, I am of the considered view that the petitioner deserves the relief as sought for.

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178

7 In the result, the petition is allowed and the OP No.866 of 2016 pending on the file of the Court of the IV Additional District Judge-cum-Family Court, Krishna District at Vijayawada is withdrawn from the file of the said Court and transferred to the Court of Senior Civil Judge, Kothagudem in Khammam District for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 14.03.2017
Kvsn

